IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A No. 2803 of 2025 and C.M.P.No.22584 of 2025

1.The Government Of Tamil Nadu
Rep. by its Secretary, Revenue Department,
Fort St.George, Chennai 600 009.

2.The Principal Commissioner And Commissioner
For Revenue Administration
For Revenue Administration, Chepauk,
Chennai 600 005

3.The District Collector
Erode District

4.The Revenue Divisional Officer
Gobichetty Palayam, Erode District.

5.The District Treasury Officer
District Treasury Office, No.72, Perundurai
Road, Paari Nagar, Sampath Nagar, Erode,
Erode District. 638009

..Appellants

Vs

1. V Shyamaladevi
W/o.Late R.Venkata Subramaniam, Res. at No.120/52
A, Kanakkupillai Thottam, Kalpavi Post, Bhavani Taluk,
Erode District.638 314
2. The Principal Accountant General
A and E, Tamil Nadu, Chennai-006.

..Respondents

Prayer : Writ Appeal under Clause XV of Letters Patent to set aside the Order dated 19.12.2024 made in WP.No. 33870 of 2018.

For Appellants :	Mr.P.Kumaresan Additional Advocate General assisted by Mr.P.Ananda Kumar Government Advocate
For Respondents :	Mr.K.Raja – for R1

<u>JUDGMENT</u>

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 19.12.2024 made in W.P.No.33870 of 2018.

2. The first respondent / writ petitioner V.Shyamala Devi is the widow of the erstwhile Village Administrative Officer (VAO) viz., R.Venkata Subramaniam. Her case was that her husband was working as Ex-Village Munsif / Karnam till 1980 when the Government of Tamil Nadu terminated / ousted all the VAOs. Thereafter, the Government took them back into service provided they completed the requisite qualification of SSLC and on the basis of the said Scheme, the first respondent's husband was taken back as VAO in 1990.

3. However, at one point of time it came to light that the said Venkata Subramaniam has not passed SSLC, which was the basic qualification to hold the post of VAO and therefore his services were terminated. As against the said termination order, the said Venkata Subramaniam approached the then Tamil Nadu Administrative Tribunal, where an order was passed accepting the claim made by the applicant ie., Venkata Subramaniam passed SSLC in the year 2002 and therefore directed that his claim can be considered by giving show cause notice and after conducting an enquiry, the employer can consider his claim for reinstatement and in case he becomes eligible to be considered for reinstatement, he can be reinstated as a fresh candidate. This order of the Tribunal having been accepted by both parties, has been acted upon and the husband of the writ petitioner was reinstated in the year 2002 as a fresher. Thereafter, he served for some years, retired from service and he died.

4. Since the services rendered by him from 2002 had been into account for the purpose of calculating pensionable service and accordingly minimum pension having been calculated and being paid by way of family pension to the first respondent / writ petitioner, the respondent / writ petitioner, who is the widow of the erstwhile employee had approached the writ Court by filing the said writ petition with a prayer that her husband's service was regularized with effect from 1990, the date on which he was temporarily appointed as VAO and accordingly the entire

service shall be taken into account for the purpose of calculating pensionable service.

5. The said writ petition was allowed by the learned Judge through order dated 19.12.2024. In the order impugned, the learned Judge has simply followed the case of one V.Duraisamy, who had been similarly placed, where he even though has not passed SSLC 11th standard Public Examination, his services rendered as VAO was considered for the purpose of calculating pensionable service. Therefore, the learned Judge has allowed the said writ petition through the impugned order.

6. Assailing the same, the learned Additional Advocate General would contend that, insofar as the case of the husband of the writ petitioner is concerned, as per the order passed by TAT by order dated 24.10.2002, a direction had been given that the case of the applicant shall be considered by conducting an enquiry to verify his educational calculation, as he has claimed to have passed the SSLC examination in April 2002 and appoint him as a fresher by way of re-employment.

7. After enquiry, since it was found that he has passed SSLC he was also taken back and reinstated as fresher. When that being so, the fresh appointment that has taken place with effect from 2002 alone can be taken into account for the purpose of regularizing his services and therefore his services has been regularized by issuance of Government Order dated 04.01.2016 issued in this regard. Only at that juncture, the present writ petition has been filed and the learned Writ Court,

without having taken into consideration the order that has been passed by the Tribunal in the Original Application filed by the husband of the writ petitioner in O.A.No.7122 of 2001 dated 24.10.2002 and also the Government Order in G.O.Ms.No.418, Revenue Department dated 24.10.2002, allowed the writ petition. Therefore, we are inclined to interfere with the impugned order for the reason that, insofar as the reappointment of the husband of the writ petitioner is concerned, it was taken as fresh appointment from the year 2002 as directed by the Tribunal, which order since has become final and has not been questioned by the writ petitioner's husband, even when the time when he got the order, the reappointment made in respect of her husband was only to be treated as a fresh appointment and in that case, he is entitled to get regularization only from that date and not from the date of his initial appointment temporarily in the year 1990 without the required qualification of SSLC.

8. Therefore, the order passed by the Writ Court is erroneous one and in view of the same, we are inclined to set aside the impugned order dated 19.12.2024 passed in W.P.No.33870 of 2018. Accordingly, the writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed. There shall be a direction to the appellants to only consider the service rendered by the husband of the writ petitioner / first respondent herein from 2002, the date on which as per the Government Order referred to above his services were regularized, for the purpose of calculating pensionable service and accordingly the family pension also be

calculated and paid to the first respondent, including arrears if any, if not already paid, within a period of two months from the date of receipt of a copy of this order.

(R.S.K.,J.) (H.C.,J.)
16-09-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST

To

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R.SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.

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