



W.P.No.33390 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.33390 of 2023

Tmt.Vilvambal

.. Petitioner

Versus

1. State of TamilNadu
Represented by its Principal Secretary to Government,
Revenue Department, Secretariat,
Chennai 600 009.

2. The Additional Chief Secretary/
Revenue Administrative Commissioner,
Chepauk, Chennai 600 005.

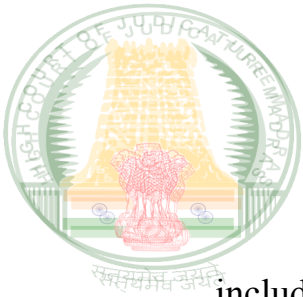
3. The District Collector,
Krishnagiri District.

4. The Revenue Divisional Officer,
Krishnagiri District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution

of India to issue a Writ of Mandamus directing the second and third respondents to implement the G.O.(1D) No.158 dated 16.05.2013 passed by the first respondent in so far as the petitioner is concerned (S.No.10) and consequently direct the respondents to sanction the Minimum Pension to the petitioner and to disburse the arrears of Minimum pension



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including all other monetary benefits along with interest of 18% per annum with effect from 16.05.2013 to till date within limited time frame and pass orders.

For Petitioner	: Mr.A.M.Esakkiappan
For Respondents	: Mrs.Meera Arumugam
	Additional Government Pleader

ORDER

This petition is filed to issue a Writ of Mandamus directing the second and third respondents to implement the G.O.(1D) No.158 dated 16.05.2013 passed by the first respondent in so far as the petitioner is concerned (S.No.10) and consequently direct the respondents to sanction the Minimum Pension to the petitioner and to disburse the arrears of Minimum pension including all other monetary benefits along with interest of 18% per annum with effect from 16.05.2013 to till date within limited time frame and pass orders.

2.The facts of the case is that the petitioner was temporarily appointed as “Village Karnam at Upparapatti Village, Uthangarai Taluk, Dharmapuri District from 14.07.1980 to 14.11.1980. Subsequently the petitioner was re-appointed as Child Welfare Organizer on 01.07.1982

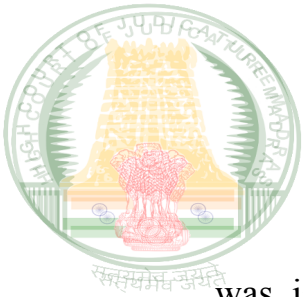


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till 01.02.1991 and he was temporarily appointed as Panchayat Assistant on 01.03.1991 at Upparapatti Village, Uthangarai Taluk, Dharmapuri District and thereafter he was transferred to Kathavani Panchayat on 09.03.1991. Thereafter, the petitioner was temporarily appointed as Village Administrative Officer by an order dated 29.05.1998 in Na.Ka.No.96571/95A5 issued by the District Revenue Officer Dharmapuri and he joined duty as Village Administrative Officer on 03.06.1998 at Ettapatti Village, Uthangarai Taluk, Dharmapuri District and thereafter he was retired on superannuation on 31.03.2007. The sum and substance of the case is that the petitioner and some others sent a representation on 01.07.2022 to the respondents to sanction of minimum pension. It is pertinent to note that with regard to the said issue the third respondent has forwarded a letter to the fourth respondent by a proceedings dated 19.07.2022 in Na.Ka.No.20009/2022/A4, but till date no order has been passed by the respondents. Hence, this petition.

3. The learned counsel for the petitioner submitted that G.O.(1D) No.158 dated 16.05.2013 was issued by the first respondent as against the petitioner (S.No.10) and other ten candidates. In the said G.O a direction



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was issued to the second respondent to give instructions to the third respondent to pass appropriate orders in the petitioner's case, inspite of the same no orders have been passed. Hence, prays to allow this petition.

4.The learned Additional Government Pleader appearing for the respondents filed a counter, wherein it was stated that since the total qualifying service rendered by the petitioner was 08 years,08 months and 28 days, as against the minimum qualifying service of 10 years before the superannuation, as provided under rule 43(2) of the Tamil Nadu Pension Rules, 1978 for sanction of appropriate amount of pension to Government servants. He further submitted that since the petitioner is not eligible for payment of any pension, there would be no question of payment of interest on the said amount. Therefore, the claim of the petitioner for payment of interest is baseless and untenable. Hence, prays to dismiss this petition.

5. I have given anxious consideration to either side submissions and perused the materials available on record.

6. Before advertng further it would be relevant to go through the Judgment passed by this Court in W.P.No.2426 of 2018 on 29.06.2022



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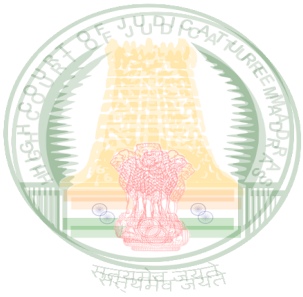
and the relevant portion is extracted hereunder:

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31. Therefore, the learned counsel for the petitioner has a presentable case before this Court. Insofar as the petitioner is concerned admittedly he was in the post of Village Karnam between 16.11.1978 and 17.07.1979 and therefore that should also be considered as a job which he lost as on 14.11.1980 because of the ordinance, otherwise the petitioner would have been considered for re-appointment in the said post of Village Munsif or Karnam. Therefore, the construction made by the respondent by extending the benefit to 184 people under the G.O can be extended to the petitioner also. The said submission made by the learned counsel for the petitioner is appealing to this Court in view of G.O.MS.No.158 dated 08.04.2015 under which some of the beneficiaries who literally did not hold the post of Village Munsif or karnam as on 14.11.1980 had also been give or extended the benefits. Therefore, such kind of benefit can very well be extended to the petitioner.

32. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders.

That the impugned order dated 29.08.2017 is hereby quashed. As a sequel, there shall be a direction to the respondents to consider the request of the petitioner and treat him as a person who lost the job as on 14.11.980 and accordingly by taking into account his service with effect from 26.04.2001 till 31.05.2004 as Village Administrative Officer along with the service which notionally be treated from 14.11.1980 for the purpose of calculating the minimum pensionable service of 10 years by extending the benefit under G.O.MS.No.158 Revenue Department dated 08.04.2015



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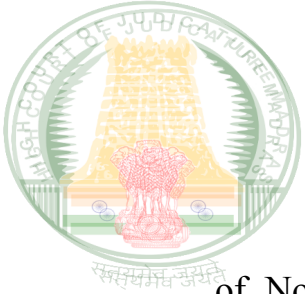
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calculate the minimum pension payable to the petitioner from the date of his request I.e 03.02.2017 and pay the same with arrears to the petitioner.

The needful as indicated above shall be undertake by the respondents within a period of eight weeks from the date of receipt of a copy of this order

7. In view of the above facts and the Judgment passed by this Court in the similar writ petition this Court is inclined to issue a direction to the respondents to treat the petitioner as a person who lost the job as on 14.11.1980 and accordingly by taking into account his service rendered for a period of 08 years,08 months and 28 days as Village Administrative Officer along with the service which notionally be treated from 14.11.1980 for the purpose of calculating the minimum pensionable service of 10 years by extending the benefit under G.O.(1D) No.158 Revenue Department dated 16.05.2013 and calculate the minimum pension payable to the petitioner from the date of his request i.e from 01.07.2022 and pay the same with arrears to the petitioner. The said exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

8. With the above observations this writ petition stands disposed



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of. No order as to costs.

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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To

1. The Principal Secretary to Government,
Revenue Department, Secretariat,
Chennai 600 009.

2. The Additional Chief Secretary/
Revenue Administrative Commissioner,
Chepauk, Chennai 600 005.

3. The District Collector,
Krishnagiri District.

4. The Revenue Divisional Officer,
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