



W.P.(MD)No.14861 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.14861 of 2025

M.Chinnasamy

... Petitioner

-VS-

1.The District Collector,
Trichy District.

2.The Revenue Divisional Officer,
Lalgudi, Trichy District.

3.The Tahsildar
Lalgudi, Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count the past service rendered by petitioner in the Post of Village Assistant (Thalayari) from 02.01.1978 to 31.05.1995 and refix the petitioner's pension and consequently pay the arrears and other benefits within the time stipulated by this Court by considering petitioner's representation dated 12.02.2025.

For Petitioner

: Mr.D.Baskar



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For Respondents

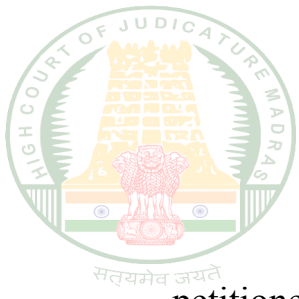
: Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to count the past service rendered by petitioner in the Post of Village Assistant (Thalayari) from 02.01.1978 to 31.05.1995 and refix the petitioner's pension and consequently pay the arrears and other benefits, by considering the petitioner's representation dated 12.02.2025.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he was appointed as a Village Assistant (Thalayari) by a permanent appointment order dated 02.01.1978, issued by the third respondent vide proceedings in Pa.Mu.16007/77. The petitioner had been continuously serving as a full-time Thalayari from that date. Further, pursuant to G.O.(Ms)No.625, Revenue Department, dated 06.07.1995, all the Village Assistants, including the petitioner, were brought under the regular establishment and placed in the pay scale of Rs.600–10–725 with effect from 01.06.1995. The



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petitioner retired from service on 31.12.2011 and is currently in receipt of pension calculated from the date of regularisation alone.

4. The petitioner submits that as per the amended Rule 11(4) of the Tamil Nadu Pension Rules, 1978 [hereinafter referred to as "the Rules"], 50% of the service rendered as Village Assistant prior to regularisation is eligible to be counted for pensionary benefits. The petitioner, having rendered unbroken and full-time service from 02.01.1978 to 31.05.1995, is therefore legally entitled to enhanced pension based on the inclusion of 50% of the said period. This Court has also upheld this legal position in a batch of writ petitions in W.P.No.18734 of 2020 etc. batch, by order dated 18.03.2024, confirming that such past service is eligible for being counted for pensionary benefits in similar circumstances. Despite submitting a detailed representation dated 12.02.2024 to the respondents, the petitioner has not received any response. Due to the continued inaction, the petitioner is constrained to approach this Court under Article 226 of the Constitution of India, seeking appropriate directions for re-fixation of pension by counting 50% of his pre-regularisation service, as per the amended Rule 11(4) of the Rules.



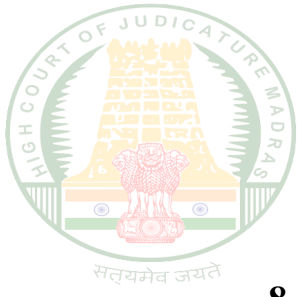
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5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 12.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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02.06.2025

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VIVEK KUMAR SINGH, J.

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