



W.P.(MD)No.16287 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16287 of 2025

S.Amalraj

... Petitioner

-VS-

1.The Additional Chief Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600 009.

2.The District Collector,
Tiruchirapalli District, Tiruchirapalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent *i.e.* the Additional Chief Secretary to Government, Revenue and Disaster Management Department, Chennai, to issue specific orders on the representation dated 23.04.2025 of the petitioner regarding counting the petitioner's entire services of Village Assistant for the period from 01.06.1995 to 16.09.2015 for the purpose of calculation of pension even after promotion as Village Administrative Officer as per Village Assistant Pension Rules, within a specified time frame that may be fixed by this Court.

For Petitioner

: Mr.S.Visvalingam



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W.P.(MD)No.16287 of 2025

For Respondents

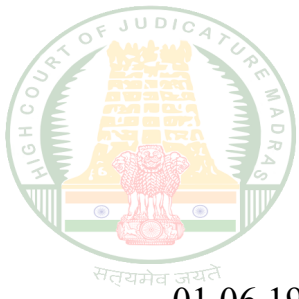
: Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the first respondent to consider and pass appropriate orders on the petitioner's representation dated 23.04.2025. The petitioner also seeks a direction to count his entire service as Village Assistant for the period from 01.06.1995 to 16.09.2015 towards the calculation of his pension, notwithstanding his subsequent promotion as Village Administrative Officer, in accordance with the Tamil Nadu Village Assistant Pension Rules.

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

3. According to the petitioner, he was initially appointed as a 'Permanent Thalayari' on consolidated pay by proceedings dated 21.02.1989 of the Tahsildar, Lalgudi and continuously served without break until 31.05.1995. Thereafter, he was absorbed into regular time scale service as 'Village Assistant' with effect from

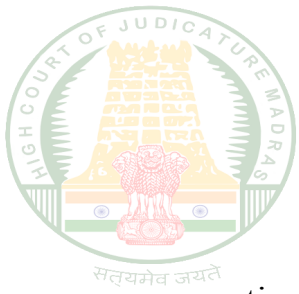


W.P.(MD)No.16287 of 2025

01.06.1995, pursuant to G.O.(Perm)No.625, Revenue Department, dated 06.07.1995. He continued to serve as Village Assistant till 16.09.2015 and was subsequently promoted as 'Village Administrative Officer' (VAO), joining duty on 17.09.2015. He retired on reaching the age of superannuation on 31.05.2017, having rendered a total qualifying service of 20 years and 11 months.

4. According to the petitioner, as per the Tamil Nadu Village Assistant Pension Rules, the petitioner is entitled to have his entire service from 01.06.1995 to 16.09.2015 as Village Assistant along with his service as VAO, counted for the purpose of pension. However, the Accountant General, Chennai, by letter dated 25.07.2023, has counted only 50% of his Village Assistant service, while counting 100% of his VAO service.

5. It is submitted that in similar cases, including that of one T.Sankar, full service rendered as Village Assistant has been counted for pensionary benefits, as evidenced by the Accountant General's letter dated 25.05.2018. Despite submitting a representation to the Government on 23.04.2025, seeking a direction to the District Collector, Tiruchirapalli, to forward the revised pension proposals



W.P.(MD)No.16287 of 2025

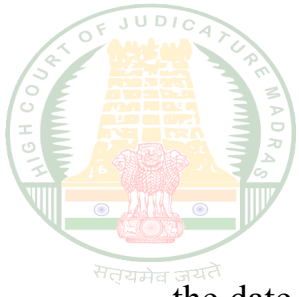
counting his entire eligible service, the petitioner has not received any response.

Hence, the petitioner is constrained to approach this Court by way of the present writ petition.

6. Heard both sides.

7. 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.

8. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 23.04.2025, 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



W.P.(MD)No.16287 of 2025

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 first respondent to consider the same on its own merits.

9. 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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19.06.2025
(5/5)

To:-

- 1.The Additional Chief Secretary to Government,
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Secretariat, Chennai - 600 009.
- 2.The District Collector,
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W.P.(MD)No.16287 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.16287 of 2025

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