



W.A.MD) No.1484 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.03.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.A(MD)No.1484 of 2018

and

C.M.P(MD)No.10583 of 2018

1.The District Collector,
Thanjavur District.

2.The Revenue Divisional Officer,
Thanjavur District.

... Appellants/Respondents3&5

-Vs-

1.K.Krishnasamy

... 1st Respondent/Petitioner

2.The Accountant General,
Tamil Nadu Government,
361, Anna Salai,
Teunampettai,
Chennai-18.

3.The Additional Chief Secretary,
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

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4. The District Treasury Officer,
Thanjavur District.

... Respondents 2 – 4/
Respondents No.1,2,4

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PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, against the order dated 20.02.2018 made in W.P.No.1537 of 2018 passed by this Court.

For Appellants	: Mr.D.Gandhiraj Special Government Pleader
For R1	: Mr.R.Paranjothi
For R2	: Mr.P.Gunasekaran
For R3&4	: Mr.A.Baskaran, Additional Government Pleader

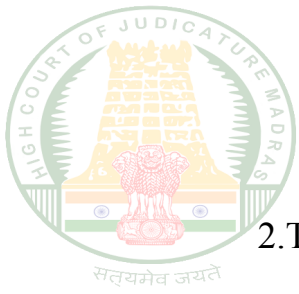
JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

This appeal is filed by the State being aggrieved by the order of the learned single Judge, who had allowed the writ petition to confer pensionary benefits to the petitioner viz, Panchanathan, as per G.O.Ms.No.408 dated 25.08.2009 with effect from 01.07.2009, which in effect means 50% of his Karnam service taken into account for calculating the pension.



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2.The writ appeal is filed on the ground that the writ petitioner is not entitled to get pension, since he is not rendering minimum period of service in the post of Village Administrative Officer, by aking 50% of his service which cannot be taken into account.

3.To buttress his submission, the learned counsel submits that the similar matter came before the Division Bench of this Court, it was dismissed in favour of the State and an appeal was preferred before the Hon'ble Supreme Court was also dismissed.(*M.Vargeese, ETC. ETC -vs- State of Tamil Nadu & Ors., ETC. ETC, dated 12.08.2022*).

4.In this case, the writ petitioner was joined as Village Karnam on 03.04.1979 and took upto service as Village Karnam till 19.11.1979, till the post was abolished by the State Government. Thereafter, he made an application for the post of Noon Meal Organizer got appointed on 08.02.1983 and continued in that post and continued to serve his Noon Meal Organizer till 22.12.2000. Thereafter, he was appointed as Viilage Administrative Officer by order dated 23.12.2000 and retired on 30.06.2009, wherein he has put less than 8 years of his earlier appointment as Village Karnam as well as Noon Meal Organizer are not on a regular appointment to be taken into account for pensionary service. The



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G.O.Ms.Nos.756 and 299, were considered by the Division Bench of this Court

earlier in *State of Tamil Nadu, Rep. by its Principal Secretary to Government,*

Revenue Department, Secretariat, Chennai and others -Vs- E.Balachandran,

reported in (2021) 3 MLJ 92, the plea to take service of 50% of the service

rendering by the Village Karnam for the purpose of Pensionary Benefits and the

same has been declared by the Bench of this Court, the same has also been

confirmed by the Hon'ble Supreme Court. In such circumstances, this Court is of

the view that the prayer sought in the writ petition cannot be entertained. The writ

appeal is allowed. The order of the learned single Judge is set aside. This order

will not stand in the way of the writ petitioner to make any representation to the

Government to consider his pension as a special case if law permits. No costs.

Consequently, the connected miscellaneous petition is also closed.

[G.J., J.] & [R.P., J.]

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NCC : Yes / No

Index : Yes / No

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