

W.P.(MD) No.5551 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 28.07.2025

Pronounced On : 08.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.5551 of 2017

A.Kalyanasundaram,
S/o. K.Arunachalam Pillai,
No.3/156, North Main Road,
Sivagiri - 627 757,
Tirunelveli District.

... Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Principal Secretary,
Finance Department,
Fort St. George,
Chennai-600 009.

2.The Commissioner,
Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Revenue Divisional Officer,
Tenkasi, Tirunelveli District.

5.The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.

... Respondents



W.P.(MD) No.5551 of 2017

PRAYER in W.P.:

WEB COPY To issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or Direction particularly in the nature of Writ, calling for records pertaining to the impugned order passed by the 5th respondent in Na.Ka.A3/11667/2012, dated 17.04.2013, quash the same and direct the respondents to count 50% of the petitioner's services as Karnam between 20.11.1972 and 14.11.1980 for pensionary benefits and other terminal benefits, within the time frame fixed by this Hon'ble Court, and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : M/s.Mr.R.Subramanian, M.Saravanan,,
R.Krishnamoorthy &
R.Meenakshi Sundaram, Advocates

For Respondents : Mr.J.Ashok
Additional Government Pleader

J U D G M E N T

Heard.

2. The petitioner was appointed as a Village Karnam on 20.11.1972.

In 1980, pursuant to legislation enacted by the Government of Tamil Nadu, the posts of part-time village officers were abolished, and the petitioner's services were consequently terminated on 14.11.1980. The

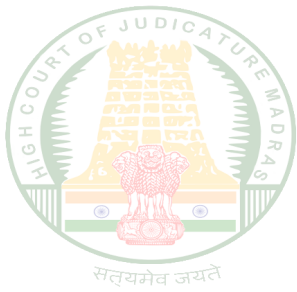


W.P.(MD) No.5551 of 2017

said legislation was challenged before the Hon'ble Supreme Court, which directed the absorption of eligible persons into the newly constituted service. Pursuant thereto, the petitioner was absorbed and appointed as Village Administrative Officer (VAO) on 11.08.1982, and he retired from service on 31.01.2008.

3. The petitioner took no substantive steps to claim pension thereafter, apart from sending certain representations. His representation was rejected by the Tahsildar, Sivagiri, as early as 17.04.2013. It was only upon learning that some of his colleagues had secured favourable orders that he filed the present writ petition – by then aged 67 years, and now about 75 years old.

4. The petitioner chose to challenge the order dated 17.04.2013 only in the year 2017. In the affidavit filed in support of the writ petition, he merely stated that he had sent another representation on 04.03.2017 and that some of his colleagues had succeeded in obtaining pension. Such a plea cannot justify the inordinate delay in approaching this Court without any reasonable cause. The writ petition is, therefore, liable to be dismissed on the sole ground of delay and laches.



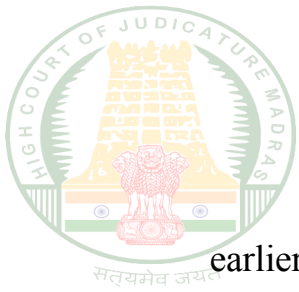
W.P.(MD) No.5551 of 2017

WEB COPY

5. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in ***C. Jacob v. Director of Geology and Mining***, reported in ***(2008) 10 SCC 115***, wherein the practice of entertaining and considering belated representations has been deprecated. The Court observed as follows:

"7. Every representation to the government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the department, the reply may be only to inform that the matter did not concern the department or to inform the appropriate department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim."

6. Even otherwise, the petitioner's request to reckon the service rendered as Village Karnam, and to take 50% thereof into account for pensionary benefits, cannot be sustained. Although reliance was placed on the Division Bench judgment of this Court in ***K. Velmayil v. Secretary to Government***, reported in ***2020 (4) CTC 833***, the said decision was subsequently, considered by another Division Bench in ***State of Tamil Nadu v. E, Balachandran***, reported in ***2021 (3) MLJ 92***, wherein all



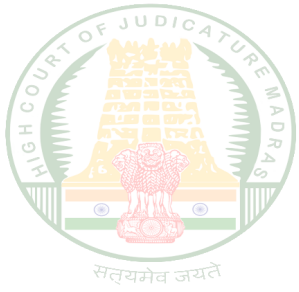
W.P.(MD) No.5551 of 2017

earlier decisions, including *Velmayil*, were examined, and claims of similarly placed petitioners for pension were rejected.

7. The above decision was subsequently followed by another Division Bench in *The State of Tamil Nadu & Others v. M. Sakthi*, dated **05.08.2024**. After referring to the Supreme Court's order, the Division Bench, in paragraph 8, held as follows:-

“8. In view of the direct pronouncement rendered by the Full Bench which had been affirmed by the Hon'ble Supreme Court, we hold that the learned Single Judge had erred in directing the appellants herein to consider one half of the service of the writ petitioner before his absorption on 07.08.2009 along with regular service as the period of service for calculating pension and other benefits.”

8. In the counter affidavit dated 14.11.2017 filed by the 3rd respondent, namely the District Collector, Tirunelveli, it was stated that the petitioner was already receiving pension for the service rendered in Government service, in accordance with the applicable pension rules. It was further stated that his request for applying the Government Orders referred to by him, so as to count additional service, was not feasible for compliance.

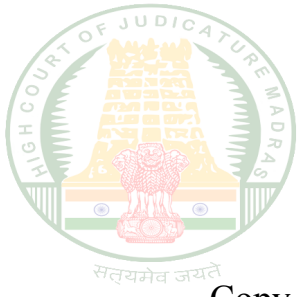


W.P.(MD) No.5551 of 2017

9. In view of the foregoing, the writ petition is devoid of merit and is dismissed both on the grounds of laches and on merits. However, there will be no order as to costs.

08.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS



W.P.(MD) No.5551 of 2017

Copy to :

WEB COPY

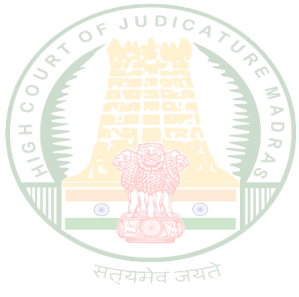
1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Finance Department,
Fort St. George,
Chennai-600 009.

2. The Commissioner,
Revenue Administration,
Ezhilagam,
Chepauk,
Chennai-600 005.

3. The District Collector,
Tirunelveli District,
Tirunelveli.

4. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

5. The Tahsildar,
Sivagiri Taluk,
Tirunelveli District.



WEB COPY



W.P.(MD) No.5551 of 2017

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.5551 of 2017

08.08.2025