



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 3451 of 2026

M.Subramaniyan

Petitioner

Vs

1. The Government of Tamil nadu
Rep. by its secretary to Government,
Revenue Department, Secretariat,
Chennai 600 009

2.The District Collector
Krishnagiri District, Krishnagiri

3.The Tahsildar
Denkanikkotai Taluk,
Krishnagiri District

4.The Revenue Divisional officer
O/o The Sub Collector Hosur,
Krishnagiri District

Respondent(s)

PRAYER; This writ petition has been filed under Article 226 of Constitution of India, seeking to issue a writ of Mandamus, directing the second respondent to reckon 50 percentage of the whole - time - employment service rendered by the petitioner as Panchayat Assistant from 17.06.1991 to 02.06.200, along with his regular service as village, Administrative officer, for pensionary benefits totalling 11 years, 5 Months and 23 days in the light of G.O. (S) No 41, Finance (Pension) Department dated 09.02.2010.

For Petitioner(s):	Mr.M.P. Saravanan
For Respondent:	Mr.M.Rajendiran, AGP



ORDER

This writ petition has been filed seeking a direction to the second respondent to reckon 50% of the service rendered by the petitioner between 17.06.1991 to 02.06.2000, along with his regular service for pensionary benefits.

2. The short facts leading to the filing of this writ petition are that the petitioner was initially appointed as Village Karnam/Headman on 26.05.1976 and he continued in the said post till 14.11.1980, on which date, the said post was abolished by the Government. After abolition of the said post, the petitioner was appointed as Panchayat Assistant on 17.09.1991 I.e. after a period of 11 years. The petitioner continued to work as Panchayat Assistant till 02.06.2000 and he was appointed as VAO on 02.06.2000 and he retired on 31.08.2007 on attaining the age of superannuation. According to the petitioner, his pension was sanctioned vide letter dated 18.01.2018 w.e.f. 07.09.2017. It is stated in the affidavit by the petitioner that as per G.O.ms.21 Finance(Pension) Department, dated 09.02.2010, the employee who had worked in non-provincialised service on consolidated pay, honorarium or daily wages prior to 01.04.2006 without break, are entitled to count 50% of such service for the purpose of pension. The petitioner has also quoted one Mr.P.Ramachandiran, a similarly placed person, who is receiving pension after reckoning 50% of his non-provincialised service rendered on consolidated pay/daily wage basis. According to the petitioner, he is



also similarly place and therefore, the petitioner is entitled for the benefit of a Government Order dated 09.02.2010. The petitioner has given a representation and the same was not considered by the Government. Hence, the present writ petition has been filed by the petitioner seeking for the relief mentioned above.

3. The writ petition has to be dismissed for the simple reason that as per the Government Order dated 09.02.2010 there are two proviso mentioned in the Government Order. Proviso 2 mandates that wherever there was break in service before absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Department in which the employee was regularly absorbed and such period of bread shall no not be counted for the purpose of pensionary benefits.

4. It is to be borne in mind that the post of Village Karnam was abolished w.e.f. 14.11.1980. Thereafter, after lapse of 11 years, on 17.09.1991, the petitioner was appointed as Panchayat Assistant on regular basis. There is a break of merely 11 years before the petitioner was made a regular employee. The Government order quoted by the petitioner mandates that such break in service should be specifically condoned by the orders of head of department. The petitioner has not produced any proof to show that the inveinging 11 years period was condoned by the Government. Therefore, in the absence of satisfying the conditions enumerated in the Government Order, is not entitled



for the relief sought for.

WEB COPY 5. In the result, the writ petition stands dismissed. No costs.

09-02-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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