IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 10671 of 2024

M.Selvaraj
Ganga Devan Kuppam, Sembulipuram Post,
Cheyyur Taluk, Chengleput District-603 304.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
   represented by its Secretary, Revenue
   Department, Secretariat, Chennai-600 009.

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

3. The Revenue Divisional Officer
   Chengleput, Chengleput District-603 001.

4. The Thasildhar
   Cheyyur Taluk, Taluk Office, Chengleput
   District-603 302.

5. The Accountant General (A and E)
   Teynampet, Chennai-600 018.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to revise the pension by counting the service rendered by the petitioner between 30.06.1985 and 31.05.1995 as pensionable service and pay the difference in pension amount with 10 % interest to the petitioner.

For Petitioner(s): Mr.S.T.Varadarajalu

For RR 1 to 4: Mr.P.Balathandayutham
Special Government Pleader

For R5: Mr.P.Manorajan, Standing Counsel

ORDER

A mandamus is sought by the petitioner to the respondents to revise his pension by counting the service rendered by him from 30.06.1985 to 31.05.1995 as pensionable service and to pay the difference in pension with interest.

2. It is the case of the petitioner that he was appointed as Village Kavalar by order dated 30.06.1985 and he was appointed on a permanent basis. Earlier, persons were appointed as Village Assistants/Thalayaris in the Revenue Department on a part time basis and this post was hereditary in nature. This was abolished on 14.11.1980 and after 1982, they were given employment based on their eligibility and qualification. The Village Assistants, who had been appointed after 1982 and who lost employment on abolition of the post, were regularized on 01.06.1995 and brought under the time scale of pay. The Tamil Nadu Village Assistant Pension Rules, 1995 (for brevity "the TNVAP Rules) was framed to grant pension to these employees.

3. The learned counsel appearing for the petitioner would submit that the petitioner was regularized on 01.06.1995 and at the time of his superannuation on 28.02.2015, he was employed at Mudaliar Kuppam Village and the service rendered by him between 01.06.1995 and 28.02.2015 was alone taken into consideration for calculating his pension and his earlier service between 30.06.1985 and 31.05.1995 was not taken into consideration. As a result, the petitioner has lost ten years of service for calculating pension. The learned counsel would further submit that as per the TNVAP Rules, the respondent should sanction pension for the entire service. The petitioner was employed prior on 1980 and got reappointed on 30.06.1985 after following due selection process. Further, the learned counsel would submit that the petitioner had given representation, but, the same has not been considered. The Government of Tamil Nadu had issued G.O.No.408 dated 25.08.2009, wherein, 50% of the service rendered as non-provincial service, consolidated pay service, honorarium and daily wage service, should be counted and taken for consideration when calculating the service for pension subject to the fact that the service was a full time one. The petitioner was appointed on a permanent basis and his job was on full time basis and therefore, as per the aforesaid G.O.No.408, 50% of the service had to be considered. The learned counsel would submit that the fourth respondent had forwarded the proposal to the fifth respondent to include the past service of the petitioner, but, the same was not considered and therefore, the petitioner is before this Court.

4. Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents 1 to 4 would reiterate the contents of the counter affidavit filed by the fourth respondent denying the claim of the petitioner stating that the Village Assistant had become the pensionable post only on 06.07.1995 with effect from 01.06.1995 when they were brought into regular Government Service. Under the G.O.(Ms).No.625, Revenue Department, dated 06.07.1995, a new time scale was fixed with effect from 01.06.1995. Therefore, it is his contention that the petitioner is only entitled to the pension benefits from 01.06.1995 and hence, the respondents would seek to have the writ petition dismissed.

5. Mr.S.T.Varadarajalu, learned counsel appearing for the petitioner would rely upon the Government Order in G.O.(3D)-No.9, Revenue (Ser.7(1) Department, dated 28.02.2006, wherein, the Government had passed orders regarding the family pension and death-cum-retirement gratuity to the Village Assistant as per the TNVAP Rules. The said G.O. had confirmed and approved the TNVAP Rules.

6. Rule 4(a) of the TNVAP Rules reads as follows:

"CHAPTER-II PENSION AND GRATUITY

(4)(a) In computing the length of service for calculation of pension and gratuity, temporary, officiating and permanent (full time) service shall be reckoned as qualifying service."

7. Therefore, the learned counsel for the petitioner would submit that the petitioner's service as Village Assistant for the period from 30.06.1985 to 31.05.1995 has to be considered for calculating the pension. In order to support his contention, he relied upon the order of this Court dated 15.03.2024 passed in W.P.Nos.12033 and 19550 of 2020.

8. Mr.P.Manorajan, learned Standing Counsel appearing for the fifth respondent would canvass on the argument that it did not matter if the period, during which, the petitioner had worked as Village Assistant is not taken into account, since the petitioner already has qualifying service for grant of pension. He would state that already the petitioner has the qualifying service and therefore, there is no necessity to grant a mandamus, as he is entitled to pension only from the date of regularisation.

9. Heard the learned counsel on either side and perused the records.

10. The Rule 4(a) of the TNVAP Rules clearly provides that the length of service for calculation of pension and gratuity should include temporary, officiating and permanent (full time) service as a qualifying service. Therefore, the period between 30.06.1985 when the petitioner joined service till 31.05.1995 has to be taken into account, while calculating the pension.

11. In the order dated 15.03.2024 passed in W.P.Nos.12033 and 19550 of 2020, this Court was considering a similar issue as to whether the past service has to be considered along with the regular service for the purpose of family pension and consequently, granted the family pension. The learned Judge had relied upon the judgment dated 26.02.2021 passed in W.A.(MD).Nos.1629 of 2018, *etc*. batch, wherein, it was held that the Tamil Nadu Pension Rules, 1978, would not be applicable for the Village Assistants. Further, the learned Judge, relying upon the judgment of the Full Bench and Division Bench of this Court, had proceeded to dispose of the writ petition by directing the respondent therein to compute the qualifying service of the petitioner's husband therein by adding 50% of his past services in order to accommodate him for the grant of pension under the TNVAP Rules.

12. By applying the ratio laid in that case, it is therefore clear that the period between 30.06.1985 and 31.05.1995 has to be taken into consideration for revising the pension, as the qualifying service of the petitioner between 30.06.1985 and 31.05.1995 had not been taken into consideration.

In the result, this writ petition is allowed and the respondents are directed to compute the qualifying service of the petitioner by adding 50% of the past service rendered by him between 30.06.1985 and 31.05.1995 (which will be treated as qualifying service and added to the regular service of the petitioner) for calculating the pension benefits and all other consequential benefits. No costs.

09-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsd

To

1. The Secretary, Revenue Department,
   Secretariat, Chennai-600 009.

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

3. The Revenue Divisional Officer
   Chengleput, Chengleput District-603 001.

4. The Thasildhar
   Cheyyur Taluk, Taluk Office, Chengleput
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P.T.ASHA J.

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