



WEB COPY

WP No. 48012 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 48012 of 2025

K.Baggiyalakshmi
W/o.R.Ponnusamy, No.3/27,
Vinayagarkovil Street, Kuruchikottai
(po), Udumalaipettai, Tiruppur 642112.

Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Rep. By Its Principal Secretary To
Government, Rural Development And
Panchayat Raj Department, Fort St.
George, Chennai 600009.

2.The Director Of Rural Development
And Panchayat Raj
Panagal Building, Saidapet, Chennai
600015.

3.The District Collector (PD Section)
Tiruppur District, Tiruppur.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Mandamus, directing the respondents to count 50 % of services rendered by the petitioner in the post of Part Time Panchayat clerk from 06.03.1982 to 21.07.1999, together with her regular service rendered between 22.07.1999 to 31.05.2015, in accordance with the directions given by



the judgment of the Division Bench of this Court in W.A.No.2358 of 2021 and W.A.No.3784 of 2024 dated 16.12.2021 and 06.01.2025, respectively.

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For Petitioner(s): Ms.T.Hemalatha

For Respondent(s): Mr.K.Surendran
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking to direct the respondents to count 50 % of services rendered by the petitioner in the post of Part Time Panchayat clerk from 06.03.1982 to 21.07.1999, together with her regular service rendered between 22.07.1999 to 31.05.2015, in accordance with the the judgment of the Division Bench of this Court in W.A.No.2358 of 2021 and W.A.No.3784 of 2024 dated 16.12.2021 and 06.01.2025, respectively.

2. Mr.K.Surendran, learned Additional Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner was appointed as a Part time Panchayat Clerk at Udumalai Panchayat Union with effect from 06.03.1982. Subsequently, the post of part time Panchayat Clerk was redesignated as Panchayat Assistant, and thereafter, she was appointed as Junior



Assistant with effect from 22.07.1999. Thereafter, she was promoted as Deputy Block Development Officer. Though the petitioner was due to retire on 31.05.2015, upon attaining the age of superannuation, she was not permitted to retire owing to the pendency of the disciplinary proceedings. Subsequently, she was permitted to retire by the proceedings of the District Collector dated 26.12.2023. While so, the Government issued G.O.Ms.No.39, Rural Development and Panchayat Raj, dated 13.06.2011, wherein it was provided that full-time Panchayat Clerks or part-time Panchayat Clerks, who were absorbed into Government service prior to 01.04.2003, as Junior Assistants, shall be entitled to the benefit of counting 50% of the service rendered by them for the purpose of pension. Subsequently, the Government issued G.O.Ms.No.77, Rural Development and Panchayat Raj (PA4) Department, dated 12.07.2013, modifying the earlier Government Order, whereby it was clarified that the part-time service rendered in the post of Panchayat Clerk shall not be reckoned for counting 50% of the service period, and that only full-time Panchayat Clerks are entitled to the benefit of counting 50% of the service rendered on consolidated pay after 01.01.1961, for pensionary benefits. Since the service rendered by the petitioner as part time Panchayat Clerk prior to 01.04.2003 was not taken into account for the purpose of counting 50% of the service period for pensionary benefits, the petitioner has preferred the present Writ Petition.



4. Learned Counsel appearing for the petitioner submits that challenging the G.O.Ms.No.77, the similarly situated persons have filed writ petitions before this Court in W.P.Nos.32579 of 2013 etc. batch of cases and the learned Single Judge of this Court set aside Para 4(b) of the said G.O by holding that the employees who got absorbed prior to 01.04.2003 are entitled to count 50% of their part time service, along with regular service for the purpose of pension. Subsequently, the Division Bench of this Court in W.A.No.259 of 2016 dated 10.03.2016 upheld the decision of the Single Judge. The learned counsel further submitted that the Division Bench of this Court in W.A.No.3784 of 2024 dated 06.01.2025 held that the Government had consciously taken a policy decision and issued G.O.Ms.No.39 on 13.06.2011, in order to give a benefit to those who worked as part time employees of the Panchayat as an erstwhile employees before they brought in as a regular employee of Junior Assistant. The learned counsel, therefore submitted that since the petitioner was a part time employee of the erstwhile Panchayat between 1982 and 1999, she is entitled to the benefit of counting 50% of her part time service, along with her regular services for the purpose of pension. Hence, he prays to allow the Writ Petition.

5. On the above said contentions, heard the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



6. In view of the above, this Court, directs the petitioner to make a fresh representation before the first respondent seeking payment of benefits in terms of G.O.Ms.No.39, dated 13.06.2011, along with a copy of this order, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the first respondent shall consider the same in the light of judgment of the Division Bench in W.A.No.3784 of 2024 and pass appropriate orders in accordance with law within a period of six (6) weeks thereafter, after affording an opportunity of hearing to the petitioner and any other interested parties.

7. This Writ Petition stands disposed of with the aforesaid direction.

There shall be no order as to costs.

08-01-2026

Anu

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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