



W.P.(MD).No.7689 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.7689 of 2021

Velusamy,
Village Administrative Officer (Retired)
No.2/255 North Street,
Kadanganeri Post,
Nettur Via,
Alangulam Taluk,
Tenkasi District – 627 854.

...Petitioner

Vs

1. The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.
2. The Account General (A&E),
Tamil Nadu,
361, Anna Salai,
Chennai – 18.
3. The District Collector,
Tenkasi.
4. The Revenue Divisional Officer,
Cheranmagadevi.
5. The Tahsildar,
Ambasamuthiram Taluk Office,
Tenkasi District.



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6. The Tahsildar,
Thiruvenkadam Taluk Office,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the pension payment order in No.P26/12629712/3/PPO No.R2629712/VOÁ, dated 04.05.2020 of second respondent and quash the same and further direct the second respondent to sanction pension by calculating the net qualifying service from the date of regularization 01.06.1995 to date of retirement 29.02.2020 totally 25 years 9 months along with 50% of the service by the petitioner rendered by the petitioner as Village Assistant from 10.09.1985 to 31.05.1995 (4 years 6 months) as qualifying pensionable period and further sanction pension within time frame fixed by this Court.

For Petitioner : Mr.T.S.Mohammed Mohideen

For R1 & R3 to R6: Mr.N.Satheesh Kumar
Additional Government Pleader

For R2 : M/s.S.Mahalakshmi
Standing Counsel

ORDER

The present writ petition has been filed seeking to quash the order passed by the second respondent herein, wherein the request of the petitioner



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for calculating his pensionable service from the year 1985, when he was appointed as a Village Assistant on consolidated basis, was rejected.

2. According to the learned counsel appearing for the petitioner, the writ petitioner was appointed on 10.09.1985 as a Village Assistant on a consolidated pay. Later, his services were regularized with effect from 01.06.1995 by way of G.O.(Ms)No.625, Revenue Department, dated 06.07.1995. The petitioner was later promoted as Village Administrative Officer with effect from 09.08.2016. The petitioner attained superannuation on 29.02.2020. These facts are not in dispute.

3. When the pension proposals were forwarded by the concerned authority, the second respondent has not taken into consideration the period served by the writ petitioner from 10.09.1985. The pensionable service was calculated only from 09.08.2016, the date on which the petitioner was promoted as a Village Administrative Officer. Challenging the same, the present writ petition has been filed.



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4. According to the learned counsel appearing for the writ petitioner, the services of the petitioner as a Village Assistant on consolidated pay from 10.09.1985 should be calculated at the rate of 50% till the services were regularized. After regularization from 01.06.1995, the entire service should be taken into consideration till the date of superannuation, namely 29.02.2020, for calculating the pensionable service.

5. The learned counsel appearing for the petitioner had relied upon the Division Bench Judgment of this Court in W.A(MD) Nos.1200 of 2026 batch cases, dated 03.02.2026, wherein the Hon'ble Division Bench of this Court was pleased to dismiss the appeals holding that the services from 01.06.1995 till the date of superannuation have to be taken into account as pensionable service.

6. Per contra, the learned counsel appearing for the official respondents submitted that the petitioner services were rendered in the non provisional service between 01.06.1995 and 09.07.2016. Therefore, the services cannot be taken into account and only 50% of the services can be taken into account



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along with the full services as Village Administrative Officer. Hence, he prayed for dismissal of the writ petition.

7. Heard both sides and perused the materials available on record.

8. The issue now arises for consideration is whether the petitioner would be entitled to calculate his pensionable service from the date of his initial appointment dated 10.09.1985 for pensionable service or not. As far as the services between 10.09.1985 and 31.05.1995 are concerned, the services were on a consolidated pay. Since the services were rendered in on a consolidated pay the said period cannot be taken into account for the purpose of calculating pension. However, the petitioner's services were regularized as Village Assistant with effect from 01.06.1995 by way of G.O.Ms.No. 625, Revenue Department, dated 06.07.1995. In such circumstances, the services regularized as Village Assistant cannot be ignored and can be treated as a non provisional service and the department cannot calculate 50% of the said services.

9. Paragraph No.9 of the judgment of the Hon'ble Division Bench of this Court in W.A(MD) Nos.1200 of 2026 batch cases, dated 03.02.2026 is



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hereby extracted:
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9. In view of the submission of Thiru.M.Ajmal Khan, learned Additional Advocate General, on instructions, from the Government, the service of the Village Assistants from the date of the appointment could not be termed as “non-provincialised” service, this Court is inclined to hold that, in all subject matters of these cases before this Court where a Village Assistant is promoted as Village Administrative Officer, the fullservice rendered as Village Assistant after 01.06.1995 as well as Village Administrative Officer shall be taken into account for computing the pensionary benefits. In view of the above finding that Village Assistant service is not termed as non provincialised service, reliance of the G.O.Ms.No.73 Revenue and Disaster management [Ser. 8(1)] Department, dated 13.02.2025, subject to the result of these Writ Appeals need not be considered. Therefore, the writ Court had correctly directed the Government to reckon the writ petitioner's full regular service rendered as a Village Assistant and Village Administrative Officer as qualifying service and this Court finds no merit in these appeals and all the appeals are liable to be dismissed.



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10. In view of the judgment of the Hon'ble Division Bench of this Court on a similar issue , the order impugned in the writ petition is set aside. The respondents are directed to calculate the service of the petitioner from 01.06.1995 till 29.02.2020 as a pensionable service and issue fresh orders. The consequential monetary benefits shall also be released. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

11. With the above said observation, this Writ Petition stands allowed. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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