



W.P.(MD) No.10264 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.10264 of 2026

and

W.M.P.(MD) No.8092 of 2026

K.Karunanithi

... Petitioner

Vs.

- 1.The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamilnadu,
Secretariat, Chennai - 9.
- 2.The Secretary to Government,
Government of Tamilnadu,
Finance (Pension) Department,
Chennai - 9.
- 3.The Accountant General,
The Accountant General Accounts
Entitlements Office, 361,
Anna Salai, Teynampet,
Chennai - 18.
- 4.The District Collector,
Tenkasi District.
- 5.The P.A. to District Collector (General),
District Collector Office,
Thanjavur.



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6.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

7.The Assistant Treasury Officer,
Papanasam,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for records pertaining to the pension order in PPO No. R0125355/REV dated 11.07.2023 passed by third respondent and quash the same and further direct the sixth respondent to send fresh pension proposal to the third respondent by calculating the service of petitioner from 01.06.1995 as Village Assistant in time scale of pay and till the date of retirement dated 31.08.2022 in the post of Village Administrative Officer accumulating 27 years and 3 months of pensionable service, as per the dictum laid down in W.A.(MD)No.1200 of 2025 dated 03.02.2026 and followed in W.P. (MD)No. 9118 of 2025, dated 05.03.2026.

For Petitioner : Mr.T.S.Mohamed Mohideen

For R1, R2, R4 to R7 : Mr.S.Shaji Bino
Special Government Pleader

For R3 : M/s.S.Mahalakshmi
Standing Counsel

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus to quash the pension order in PPO No.



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R0125355/REV dated 11.07.2023 passed by the third respondent and consequently to direct the sixth respondent to send a fresh pension proposal to the third respondent by calculating the petitioner's service from 01.06.1995, when he was appointed as Village Assistant in the time scale of pay, till the date of his retirement on 31.08.2022 from the post of Village Administrative Officer, thereby reckoning a total of 27 years and 3 months of pensionable service, in accordance with the dictum laid down in W.A.(MD) No. 1200 of 2025 dated 03.02.2026 and followed in W.P. (MD)No. 9118 of 2025, dated 05.03.2026 .

2. The petitioner herein was initially appointed as Thalaiyari/Village Assistant on 01.03.1984. Subsequently, through G.O(Ms)No.625, Revenue Department, dated 06.07.1995, the services of the petitioner were brought into the regular time scale of pay. The petitioner continued in the said post of Village Assistant till 27.12.2021, ie., the date on which the petitioner was promoted to the post of Village Administrative Officer. Thereafter, the petitioner retired from service on 31.08.2022 on attaining the age of superannuation. Thereafter, the pension proposal of the petitioner was submitted and accordingly the pension proceedings dated 11.07.2023 came to be issued. However, while fixing



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the pension, the service rendered by the petitioner as Village Assistant from 01.06.1995 to 27.12.2021 was not fully taken into consideration for the purpose of fixation of pension and only 50% of the said service was taken into consideration. Under those circumstances, the petitioner has approached this Court by filling the present Writ Petition challenging the proceedings bearing PPO No. R0125355/REV dated 11.07.2023 passed by the third respondent and sought for counting of the entire service rendered by him as Village Assistant for the purpose of fixation of pension.

3. Heard Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the first, second and fourth to seventh respondents and M/s.S.Mahalakshmi, learned Standing Counsel appearing for the third respondent.

4. The learned counsel appearing for the petitioner contended that the issue that arises for consideration in this Writ Petition has already been considered by this Court in W.P.(MD) No.10819 of 2022 and batch, by order dated 14.03.2024 [*N.Andiyapillai vs. The Principal Secretary to*



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Government and others], whereby the learned Single Judge of this Court allowed the Writ Petitions and directed the respondents to consider the entire service rendered by the petitioners therein as Village Assistants for the purpose of fixation of pensionary benefits. He further submitted that the said order of the learned Single Judge was carried in appeal by the respondents in W.A.(MD) No.1200 of 2025 and batch and that the said writ appeals [***The Additional Chief Secretary to Government and others vs. K.Marimuthu***] were dismissed by the learned Division Bench of this Court by order dated 03.02.2026.

5. The learned counsel appearing for the petitioner submitted that the said order of the learned Division Bench of this Court has been given effect to by the respondents and accordingly, the pensions of the petitioners therein have been revised. He further submitted that this Court, following the decision of the learned Division Bench referred to above, has allowed W.P. (MD) No.9118 of 2025, by order dated 05.03.2026 [***G.Anbarasu vs. The Additional Chief Secretary, Revenue and Disaster Management Department and others***].



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6. Mr.S.Shaji Bino, learned Special Government Pleader appearing for the first, second and fourth to seventh respondents, does not dispute the orders relied upon by the learned counsel appearing for the petitioner, referred to above. However, he submitted that the matter may be remanded back to the respondents for reconsideration in the light of the orders passed by this Court, referred to above.

7. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.

8. Having perused the orders passed by the learned Division Bench of this Court, wherein the case of persons whose services were brought into the regular time scale through G.O. (Ms) No.625, Revenue Department, dated 06.07.1995, had fallen for consideration, this Court finds that the learned Division Bench, after taking into consideration all the contentions raised on behalf of the State, arrived at the conclusion that the writ petitioners therein are entitled to count the service rendered by them as Village Assistants in full for the purpose of fixation of their pension. The relevant paragraph from the said order of the learned Division Bench reads as follows:



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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 full service 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.”

9. Upon perusal of the order of the learned Division Bench of this Court and the averments made in the present Writ Petition, this Court is of the considered view that the case of the petitioner herein is identical, even on facts, to the case dealt with by the learned Division Bench and therefore, the petitioner cannot be denied the very same benefit upheld therein.



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10. In the light of the above, the impugned proceedings of the third respondent, dated 11.07.2023, cannot be sustained and the same is hereby quashed. Consequently, the respondents are directed to calculate the service rendered by the petitioner from 01.06.1995 to 27.12.2021 as Village Assistant for the purpose of fixation of his pension, together with the service rendered by him as Village Administrative Officer and to issue orders afresh. The monetary benefits payable to the petitioner shall also be calculated and paid to him as expeditiously as possible, at any, within a period of eight weeks from the date of receipt of a copy of this order.

11. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

To

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Secretariat, Chennai - 9.



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MUMMINENI SUDHEER KUMAR, J.

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