



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2026

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P(MD)No.16311 of 2025

and

W.M.P(MD)No.12383 of 2025

M.Mohamed Aliyar

... Petitioner

Vs

1.The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamil Nadu,
Secretariat, Chennai – 9.

2.The Secretary to Government,
Government of Tamil Nadu,
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,
Theni District.

5.The Sub-Collector,
Uthamapalayam Taluk,
Theni District.

6.The Tahsildar,
Uthamapalayam Taluk, Theni District.

... Respondents



PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the pension order in PPO No.R0125529/VAO dated 25.07.2023 passed by third respondent and quash the same and further direct the respondent No.6 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 31.05.2024 in the post of Village Administrative Officer accumulating 28 years of pensionable service, along with 50% of consolidated pay service period from 11.02.1985 to 01.06.1995 with all attendant benefits.

For Petitioner : Mr.T.S.Mohamed Mohidheen

For Respondents : Mr.S.Shaji Bino (R1, R2 & R4 to R6)
Special Government Pleader

: Mr.P.Gunasekaran (R3)
Standing Counsel

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus to quash the pension order in PPO No.R0125529/VAO dated 25.07.2023 passed by third respondent and consequently direct the sixth respondent to send a 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 31.05.2023 in the post of Village Administrative Officer



accumulating 28 years of pensionable service, along with 50% of consolidated pay service period from 11.02.1985 to 01.06.1995 with all attendant benefits.

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2.The petitioner herein was initially appointed as Thalaiyari/Village Assistant on 11.02.1985. 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 01.03.2019, ie., the date on which the petitioner was promoted to the post of Village Administrative Officer. Thereafter, the petitioner retired from service on 31.05.2023 on attaining the age of superannuation. Thereafter, the pension proposal of the petitioner was submitted and accordingly the pension proceedings dated 25.07.2023 came to be issued. However, while fixing the pension, the service rendered by the petitioner as Village Assistant from 01.06.1995 to 01.03.2019 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.R0125529/VAO dated 25.07.2023 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.The respondents filed a counter-affidavit resisting the claim made by the petitioner, contending that through G.O(Ms)No.625, Revenue Department, dated 06.07.1995, the services of the petitioner were only brought under the regular time scale of pay, but that cannot be treated as a regular appointment to the post of Village Assistant.

4.Heard Mr.T.S.Mohamed Mohideen, learned counsel appearing for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1, 2 & 4 to 6 and Mr.P.Gunasekaran, learned counsel appearing for the third respondent.

5.The learned counsel appearing for the petitioner contended that the issue that arose for consideration in this Writ Petition has already fallen for consideration before 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 Government and others]***, whereby the learned Single Judge of this Court allowed the Writ Petitions directing the respondents to consider the entire service rendered by the petitioners therein as Village Assistant for the purpose of fixation of pensionary benefits. He further submitted that the said order of the learned Single



Judge of this Court was carried in appeal by the respondents in *W.A(MD)No.1200 of 2025* and batch and the said *W.A(MD)No.1200 of 2025 and batch [The Additional Chief Secretary to Government and others Vs. K.Marimuthu]* were dismissed by the learned Division Bench of this Court, by an order dated 03.02.2026.

6.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 pension of the petitioners therein has been revised. He also further submitted that the learned Single Judge of this Court, following the decision of the learned Division Bench referred to above has allowed yet another *W.P(MD)No.7689 of 2021, by an order dated 24.02.2026 [Velusamy Vs. The Secretary to Government and others]*.

7.On the other hand, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1, 2 and 4 to 7, submitted that he does not dispute the orders relied upon by the learned counsel appearing for the petitioner referred to above. However, he submitted that the matter can be remanded back to the respondents for reconsideration in the light of the orders passed by this Court referred to above.



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

9.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, the learned Division Bench of this Court, after having taken 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 Assistant in full for the purpose of fixation of their pension. The relevant paragraph from the said order of the learned Division Bench reads thereunder:

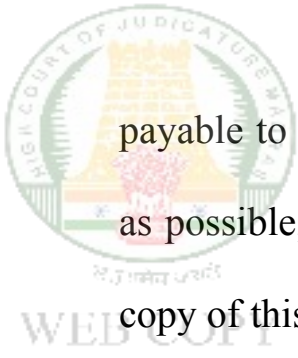
“9. In view of the submission of Thiru.M.Ajmal Khan, learned Additional Advocate General, on instructions, from the Government, the service of the Village Assistants from the date of the appointment could not be termed as “non-provincialised” service, this Court is inclined to hold that, in all subject 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.”

10.From the perusal of the order of the learned Division Bench of this Court and the averments made in the present Writ Petition as well as the counter-affidavit, this Court is convinced that the case of the petitioner herein is identical to the case dealt with by the learned Division Bench of this Court even on factual aspects and therefore the petitioner herein cannot be denied the very same benefit which was upheld by the learned Division Bench of this Court.

11.In the light of the above, the impugned proceedings of the third respondent, dated 25.07.2023 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 01.03.2019 as Village Assistant for the purpose of fixation of his pension, together with the service rendered by the petitioner as Village Administrative Officer and issue orders afresh. The monetary benefits



payable to the petitioner shall also be calculated and paid to him as expeditiously as possible, at any rate within period of eight weeks from the date of receipt of a copy of this order.

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

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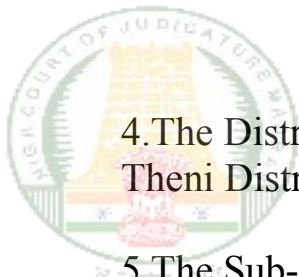
NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

1. The Additional Chief Secretary,
Revenue and Disaster Management Department,
Government of Tamil Nadu,
Secretariat, Chennai – 9.

2. The Secretary to Government,
Government of Tamil Nadu,
Finance (Pension) Department,
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6.The Tahsildar,
Uthamapalayam Taluk, Theni District.





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MUMMINENI SUDHEER KUMAR, J.

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Order made in
W.P(MD)No.16311 of 2025

**05.03.2026
(42/48)**