



Abstract

Revenue Department - Village Administration - Ex- Village Administrative Officers-  
Retired prior to 29.10.98 - Minimum Pension - Granted - Orders issued.

Revenue ( Ser 8(2) Department

G.O. (Ms) No: 678

Dated: 16.11.2007

Read:

1. G.O. (Ms) No. 1287, Revenue Department, dated 6.7.88.
2. G.O. (Ms) No. 756, Revenue Department, dated 17.8.93.
3. G.O. (Ms) No. 875, Revenue Department, dated 29.10.98.
4. From the TAT's, Chennai order dated 22.3.2002 in O.A. Nos. 6818&887/02.
5. From the High Court Madras order dated 14.10.2004 in W.P. Nos: 37838 and 37839/2003.
6. From the Hon'ble High Court, Madras order dated 1.8.2006. In W.P. No, 24304/2006 and M.P. No. 1/2006.
7. From the Joint Commissioner ( RA), Letter No. RA.2(2)/13903/2006 dated 6.6.2007.
8. From the Hon'ble High Court, Madras orders dated 27.8.2007 in W.P. Nos. 28029/2007 and 28030/2007.
9. From the Joint Commissioner (RA) Letter No. RA 2(2)/13903/2006 dated 18.9.2007.

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ORDER:

In the G.O. first read above, Government have directed that the District Employment Exchanges should maintain separate registers for the Ex-Village Administrative Officers who have passed S.S.L.C subsequent to 20.2.82 for the post of Village Administrative Officer and sponsor their names for the purpose of appointment under 10(a) (i) of the General Rules, whenever District Collectors call for names to fill up vacancies in the cadre of Village Administrative Officers.

2. In the G.O. second read above, the Ex-Village Officers who were retrenched on 14.11.80 and who were qualified for the post of Village Administrative Officer, but not completed 10 years of service in the post of Village Administrative Officer might be considered for pension and directed therein that instead of calculating the period of service from the date of appointment of Village Administrative Officers, their

period of service from 14.11.80 be taken into account and as such the minimum pension was ordered thereon.

3. In the G.O. third read above, it was clarified that the Ex-Village Officers whose posts were abolished on 14.11.80 but possessed the educational qualification only after 20.2.82 were appointed as Village Administrative Officer, under rule 10(a) (i) basis as per G.O. Ms. No. 1297, Revenue, dated 6.7.88. They are not eligible to receive the benefit provided in G.O. Ms. No. 756, Revenue, dated 17.8.93, which is applicable only to Village Administrative Officers who were having minimum general educational qualification on 14.11.80 and were appointed through Screening Committee. Persons appointed under rule 10(a) (i) are eligible for pension only after completing 10 years qualifying service from the date of appointments as Village Administrative Officers as per Tamil Nadu Pension Rules.

4. In the order fourth read above, the Tamil Nadu Administrative Tribunal has ordered "But because for the first time only by 1998 Government Order the claim for pension is taken away from the appointees under rule 10(a) (i) the applicants and others who have retired in 1997 when 1993 Government Order was holding the field, their claim cannot be taken away by a G.O. which came long after."

5. In the order fifth read above, the High Court has ordered as follows:-

"It is no doubt true that subsequently G.O.Ms. No. 875, Revenue, dated 29.10.98 has been issued issuing certain clarifications. However, the Tribunal has rightly observed that such order/clarification is not retrospective in its operation and does not have the effect the taking away the vested right of the Village Administrative Officer who had retired prior to 29.10.98."

6. Aggrieved on the above judgment, the Government filed Special Leave Petition in the Supreme Court of India, but it has not been numbered. Hence Government have since been examining the possibility of giving the minimum pension to 369 Ex-Village Administrative Officers who are coming under the category - II (i.e) persons who have not qualified on 14.11.1980 but subsequently acquired the required qualifications.

7. While the above proposal was under process, Thiru.P.Venkatachalam and 3 others have filed a Contempt Petition in the High Court, Madras for non-implementation of the Court order. In order to avoid the contempt of court and as the Special Leave Petition filed by the Government has not been numbered, Government issued orders in G.O.Ms.745, Revenue Department dated 16.11.2006 tending the minimum pension to the above four Ex-Village Officers.

..The Government further examined the issue based on the representation of Ex-Village Administrative Officer's in consultation with the Joint Commissioner (RA) and viewed that those who have retired after the date of issue of G.O. Ms. No. 875, Revenue, dated 29.10.98, are not eligible for pension under G.O. Ms. No. 756, Revenue, dated 17.8.93, since G.O. Ms. No. 875, Revenue, dated 29.10.98 takes prospective effect. In view of this, it was decided that the benefit of Minimum Pension ordered in G.O. (Ms) No. 756, Revenue, dated 17.8.93 to the entire 369 retired persons was not possible and therefore requested the Special Commissioner and Commissioner of Revenue Administration for identifying the Ex-Village Administrative Officer's who have retired prior to 29.10.98. Based on the above direction, the Joint Commissioner (Revenue Administration) in his letter Seventh read above has stated that 34 Ex-Village Administrative Officers are retired before 29.10.98.

9. Meanwhile in W.P.Nos.24304/06, 28029/07 & 28030/07, several orders are passed to grant the minimum pension to the Ex- Village Administrative Officer's who have retired prior to 29.10.98. The Joint Commissioner of Revenue Administration who was consulted on the above judgments have recommended that a similar stand has to be taken regarding grant of minimum pension in respect of the Ex-Village Administrative Officer's who retired prior to 29.10.98, as ordered in G.O. Ms. No. 745, Revenue, dated 16.11.06 in order to avoid any contempt proceedings and requested the Government that necessary instruction may be issued to the Accountant General, to the effect that in respect of all Ex- Village Officers, who were retrenched on 14.11.80, subsequently appointed as Village Administrative Officer and retired prior to 29.10.98, without completing 10 years of qualifying service, the retirement benefit granted in G.O. Ms. No. 756, Revenue, dated 17.8.93 be allowed.

10. The Government have examined the proposal of the Joint Commissioner ( Revenue Administration) based on the court orders, and order extending the benefit of minimum pension sanctioned in G.O. Ms. No. 756, Revenue, dated 17.8.93 to the 84 Ex-Village Administrative Officers as mentioned in the annexure to this order in order to comply with the court direction and also though some have not approached the court, who have retired prior to 29.10.98.

9. This order issues with the concurrence of the Finance Department vide it's U.O. No.3418/FS/P/07 dated 25.10.2007.

( By Order of the Governor)

Ambuj Sharma  
Secretary to Government

To  
The Accountant General, (A&E) Chennai-18.