

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.Nos.11408 and 11412 of 2025 AND
W.M.P.Nos.12875, 12876, 12880 and 12882 of 2025

T.A.Venkateswaran

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Secretary,
Home (Courts-II) Department,
Fort St. George, Chennai-09.
2. The Principal Accountant General
(A & E), No.361, Anna Salai,
Teynampet, Chennai-18.
3. The Registrar General
High Court Madras,
Chennai-104.
4. The Principal District Judge
Combined Court Building,
Sathuvachari, Vellore District,
Vellore - 632 009.

..Respondents

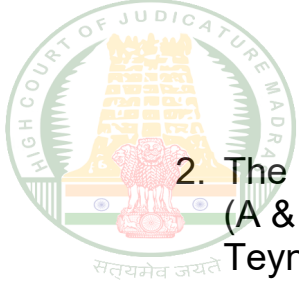
W.P.No.11412 of 2025

D.Kumar

... Petitioner

-VS-

1. The State of Tamil Nadu,
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Home (Courts-II) Department,
Fort St. George, Chennai-09.



2. The Principal Accountant General
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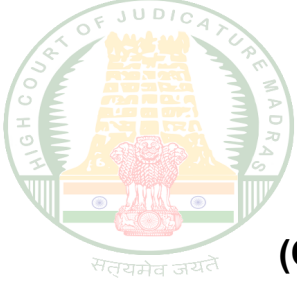
... Respondents

Prayer: To call for records pertaining to the impugned proceeding in DIS No.1781/2025/A dated 21.02.2025 of the 4th Respondent and quash the same, consequently direct the Respondents to grant pension and pensionary benefits to the petitioner arising thereto pursuant to the GPF subscription made in GPF No.33749/JUDL.

W.P.No.11412 of 2025

Prayer: To call for records pertaining to the impugned proceeding in DIS No.1781/2025/A dated 21.02.2025 of the 4th Respondent and quash the same, consequently, direct the Respondents to grant pension and pensionary benefits to the petitioner arising thereto pursuant to the GPF subscription made in GPF No. 33754/ JUDL.

For Petitioners:	Mr.L.Chandrakumar For Mr.A.Swaminathan
For Respondents:	Dr.R.Gouri, Govt. Counsel for R1 Mr.P.Manorajan for R2, Mr.J.Chandran Sundar Sashikumar for R3 & R4

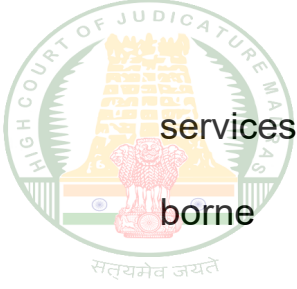
**COMMON ORDER****(Order of the Court was made by S.M.Subramaniam J.)**

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Writ Petitions have been instituted, challenging the stop of recovery of GPF subscription on account of the fact that services of Writ Petitioners were regularized after implementation of the New Pension Scheme, i.e., Contributory Pension Scheme (CPS) with effect from 01.04.2003. GPF account opened, when these petitioners were serving as temporary employees was directed to be stopped.

2. Mr.L.Chandrakumar, learned counsel for the petitioners would mainly contend that petitioners were initially engaged as temporary employees and there services were ousted in the year 2000. In pursuance of the order of this Court, they were again re-appointed on 10.09.2004 on regular basis.

3. Admittedly, services of petitioners were regularized on 10.09.2004. In respect of employees, who joined on or after 01.04.2003, they are not entitled to avail the benefit of Pension Scheme as per Tamil Nadu Pension Rules, 1978. In the said Rules, in Chapter I, proviso to Rule 2 states that "Provided that these rules shall not apply to Government Servants appointed on or after the 1st April, 2003, to



services and posts in connection with the affairs of the State, which are borne on pensionable establishments, whether temporary or permanent".

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4. Learned counsel for the petitioners would rely on the fact that GPF subscription has been collected from these petitioners.

5. Mere opening of GPF account would be of no avail, since temporary employees were ousted in the year 2000 and again reappointed in 2004 after cut off date, i.e., 01.04.2003. The order of regularization remains unchallenged. Once employees accepted the date of regularization and continued in service, now, after a lapse of several years, they cannot turn around and claim the benefit of Old Pension Scheme in view of the fact that their services have been regularized after cut off date, i.e. 01.04.2003. In identical circumstances, a Division Bench of this Court in the case of **P.Jayakumari vs. State**¹ held as follows:

“23. Holistic reading of the Erstwhile Tamil Nadu State and Subordinate Service Rules and the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 and the definition of appointment into service would amplify that an employee regularly appointed in accordance with the Rules into a service before 01.04.2003 are alone entitled to avail the benefit of the Old Pension Scheme under the Tamil

¹W.P.Nos.1661 of 2015, etc., batch dated 18.03.2024



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Nadu Pension Rules, 1978. The temporary employees appointed prior to 01.04.2003 either under the Erstwhile Rule 10(a)(i) of the Tamil Nadu State and Subordinate Rules are not entitled to avail the benefit of the Old Pension Scheme under the provisions of the Tamil Nadu Pension Rules, 1978.

24. Mr.Manoharan would draw the attention of this Court with reference to the High Court Circular issued in ROC.No.588~A/2006/C3 dated 29.03.2006, wherein a direction was issued to the appointing authorities to incorporate specifically in the appointment order that the appointment is subject to the conditions that their appointment to the posts in the first appointment in Tamil Nadu Judicial Ministerial Services and any temporary service rendered by them in any post including the post of Steno Typist / Steno-Typist / Junior Assistant will not be considered for the purpose of service benefits with pay protection, increment, seniority and promotion (except pensionary benefits). Such common circular issued in the absence of any interpretation regarding the applicability of Old Pension Scheme and New Pension Scheme cannot be relied upon for the purpose of seeking the benefit under the Old Pension Scheme, i.e., Tamil Nadu Pension Rules, 1978.

25. Mr.Vijay Shankar relied on the Judgment of the Hon'ble Division Bench of this Court in the case of "K.Mythili -vs-State, represented by the Secretary to Government" in W.P.No.37448 of 2016 dated 13.03.2018, wherein the Hon'ble Division Bench of this Court considered the very same circular issued by the High Court and interpreted that merely stating that the temporary employees are not entitled for other service benefits except for pensionary benefits would not confer any right on them to claim the benefits of Tamil Nadu Pension Rules, 1978. The said interpretation offered by the Hon'ble Division Bench of this Court was further adopted by another Division Bench of this Court in the case of "M.Thangam vs. The State of Tamil Nadu, Secretary to Government" in W.P.No.27765 of 2019 dated 09.01.2020.

26. We would further state that the phrase "except pensionary benefits" does not mean that these temporary employees, who were regularly appointed into service after 01.04.2003 is eligible to avail the benefits under the Old



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Pension Scheme i.e., Tamil Nadu Pension Rules, 1978. However, these employees were appointed after 01.04.2003 would be eligible to get the pensionary benefit under the Contributory Pension Scheme. Therefore, the term used in the Circular is to be read in the context of Contributory Pension Scheme and not with reference to the provisions of Tamil Nadu Pension Rules, 1978.

27. In view of the fact that all the writ petitioners were admittedly appointed into regular services after the cut-off date of 01.04.2003, they are eligible to get the benefits under the New Pension Scheme, i.e., Contributory Pension Scheme and their claim for the benefits under the Old Pension Scheme is untenable. Since the Old Pension Scheme is not applicable to these petitioners, they are not entitled to seek counting of 50% of the services under Rule 11(4) of the Tamil Nadu Pension Rules, 1978. However, the writ petitioners are entitled to claim all the benefits under the Contributory Pension Scheme. The respondents are directed to suitably adjust the erroneous contributions, if any collected from the employees, if necessary, by obtaining instructions from the Accountant General of Tamil Nadu.

28. In view of the above factual and legal position, we are inclined to confirm the order impugned. Consequently, the Writ Petitions are dismissed. No costs. The connected Miscellaneous Petitions are closed.”

6. In view of the above position, there is no infirmity in respect of the impugned proceedings dated 21.02.2025 of the 4th respondent. Consequently, the present Writ Appeals stand dismissed.

7. At this juncture, learned counsel for the petitioners would submit that case of few other similarly placed persons has been considered and the benefit of Old Pension Scheme has been granted. If any such error has been committed by the respondents, the same is to



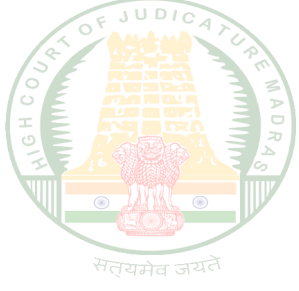
be looked into and error has to be rectified, by following the procedures as contemplated under Rules. No costs. Connected Miscellaneous Petitions are closed.

(S.M.S.,J.) (N.S.,J.)
13.07.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
AR

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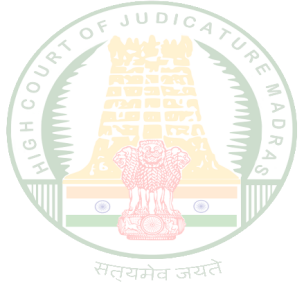
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