



WEB COPY

WP No. 30390 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-07-2026

CORAM

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

**WP No. 30390 of 2019
and
W.M.P.No.30384 of 2019**

S.Valarmathi Darathi
W/o.M.Valardhasan, Rural Welfare Officer (Retd),
Santhapettai Thirukovilur Taluk, Villupuram
District-605 766.

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Social Welfare and Nutritious Meal Programme
Department, Fort St. George, Chennai-9.
2. The Principal Secretary to Government,
Finance (Pension) Department, Fort St.
George, Chennai-9
3. The Principal Accountant General
(A and E), Tamil Nadu, 361, Anna Salai,
Chennai-18.
4. The Director of Social Welfare
Panagal Malaigai, Saidapet, Chennai-15
5. The District Social Welfare Officer
Villupuram, Villupuram District.

..Respondent(s)

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to calling for the records relating to the order of the 2nd respondent issued in G.O.Ms. No.41, Finance (Pension) Department, dated 9.2.2010 and the order of the 1st respondent issued in



G.O.Ms. No.34. Social Welfare and Nutritious Meal Programme (Sa.U.Thee-2) Department, dated 14.3.2013 quash the same in so far as the petitioner herein is concerned and consequently direct the respondents to count 50 percent of the temporary services rendered by the petitioner in Noon Meal Programme Scheme along with the regular service in the permanent post, for the determination of the pensionary benefit and retiral benefit on reaching superannuation.

For Petitioner(s): Mr.K.Thilageswaran

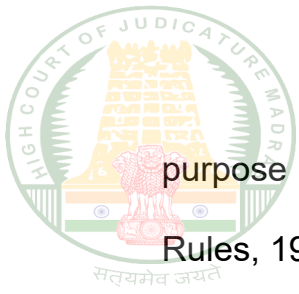
For Respondent(s): Dr.R.Gouri,
Government Counsel for R1, 2, 4, & 5,
Ms.V.Kanchana
for Mr.V.Vijay Shankar for R3

ORDER

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

The facts in nutshell as narrated in the writ petition are that the petitioner was appointed as Child Welfare Organiser on 01.07.1982 under the Integrated Child Development Service Scheme (ICDS). The petitioner was subsequently, appointed as Supervisor Grade-II/ Rural Welfare Officer on 05.03.2014, in a sanctioned post and she was appointed as regular employee. The service of the petitioner was regularised in the post of Rural Welfare Officer with effect from 05.03.2014 and allowed to retire from service on 31.05.2018, on reaching the age of superannuation.

2. The claim of the writ petitioner is that 50% of the temporary services rendered in the post of Child Welfare Organiser is to be counted for the

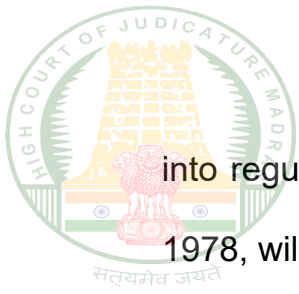


purpose of calculating the qualifying services under the Tamil Nadu Pension Rules, 1978.

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3. The first question to be considered is, whether the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) is applicable to the employees who are regularly appointed after the cut off date of 1st April, 2003, wherefrom New Pension Scheme i.e., Contributory Pension Scheme was implemented. An amendment was issued based on the New Pension Scheme under the Tamil Nadu Pension Rules, 1978 and Rule 1(2), proviso clause 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 pensionary establishment, whether temporary or permanent.”*

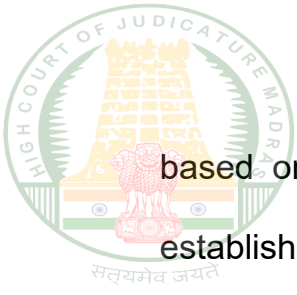
4. In the present case, the post of Child Welfare Organiser is a non-pensionable service and a scheme related appointment under the Government of India Scheme. The writ petitioner was regularised in the sanctioned post on 04.03.2014, after the cut off date of 1st April, 2003. Therefore, the question of applying Old Pension Scheme does not arise. Even in case of temporary appointment, if the temporary employment resulted in regularisation of service prior to 01.04.2003, then alone counting of 50% of service would arise and in respect of cases where temporary services ended



into regularisation after the cut off date, then the Tamil Nadu Pension Rules, 1978, will not apply.

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5. Counter filed by the Director of Social Welfare and Women Empowerment Department states Integrated Child Development Scheme is a Central Government sponsored scheme which has been implemented in accordance with the guidelines issued by the Government of India from time to time and the Government of Tamiladu has categorised the Anganwadi employee as honorarium workers which was also confirmed by the Hon'ble Supreme Court in Civil Appeal Nos.4953-4957 of 1998 and they cannot hold any civil post in the Government. Based on the Government of India guidelines, the honorarium pay paid to Anganwadi worker. Subsequently, special time scale of pay was granted to Anganwadi worker with effect from 01.01.1996 as a policy decision, the Government of Tamil Nadu has also categorised these employees as permanent part-time employees of respective local bodies vide G.O.Ms.No.370, Backward Classes Welfare, Nutritious Meal Programme & Social Welfare Department dated 16.04.1989. Since the Anganwadi post is not involving a full time employment and was not regular time scale of pay, the petitioner has not fulfilled the conditions stipulated under Rule 11(2)(i) of the Tamil Nadu Pension Rules, 1978. Though counter states about the application of Rule 11(2)(i), in the present case, the Tamil Nadu Pension Rules, 1978, by itself is not applicable, since temporary services are



based on the Government of India Scheme, which is a non-pensionable establishment under the State Government.

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6. That apart, the services was regularised in the year 2014 after the cut off date of 1st April, 2004. In any angle, even under the Tamil Nadu Pension Rules, 1978, the petitioner was working in a part-time job and served in a non-pensionable establishment.

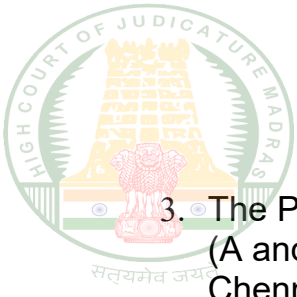
7. For all these reasons, this Court is of the considered view that the claim made by the writ petitioner is inadmissible. Therefore, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
09-07-2026

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

To

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Social Welfare and Nutritious Meal Programme
Department, Fort St. George, Chennai-9.
2. The Principal Secretary to Government,
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George, Chennai-9



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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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