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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1923 of 2026 AND
C.M.P.No.17109 of 2026

1. The State of Tamil Nadu
   Rep. by its Principal Secretary to Government,
   Rural Development and Panchayat Raj
   Department, Secretariat,
   Fort St. George, Chennai 600 009.

2. The Director of Rural Development
   Department, Panagal Maligai,
   Saidapet, Chennai 600015.

3. The District Collector
   Kallakurichi, Kallakurichi Dt 606 202.

..Appellants

Vs

S.Mohan

..Respondent

Writ Appeal filed under Clause 15 of the Letters Patent issuing writ of certiorarified mandamus to set aside the order dated 18.01.2024 made in W.P.No.6487 of 2023.

For Appellants : Dr.R.Gouri, Government Counsel

For Respondent : Mr. S.Jaganathan

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JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present intra-court appeal has been instituted under Clause 15 of the Letters Patent by the State of Tamil Nadu, challenging the common order passed by the Writ Court extending the benefit of counting 50% of the service rendered by the employees as Part-Time Panchayat Clerks.

2. Respondent/writ petitioner was initially appointed as Part-Time Panchayat Clerk in Village Panchayat. He worked as part-time employee. Thereafter, the Government took a policy decision to regularise the services against the sanctioned posts of Junior Assistants. Consequently, the respondent, who was working as Part-Time Panchayat Clerk was absorbed as regular employee in the sanctioned post, in the time scale of pay. His service was regularised from the date of regular absorption in the sanctioned post of Junior Assistant.

3. The Part time Panchayat Clerks brought under the regular establishment in the post of Junior Assistants served and retired from service claiming that their services rendered as Part-time Panchayat Clerk to be reckoned as qualifying services to an extent of 50 %, as contemplated under G.O.Ms.No.39, Panchayat Development and Panchayat (E5) Department,

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dated 13.06.2011. Subsequently, the Government issued G.O.Ms. No. 77, Rural Development and Panchayat (PA 4) Department, dated 12.07.2013, and G.O.Ms. No. 99, Rural Development and Panchayat Raj (E5) Department, dated 27.08.2022. In view of the said Government Orders, the Part-Time Panchayat Clerks started claiming the benefit of counting 50% of their part-time services as qualifying service for calculation of pension under the Tamil Nadu Pension Rules, 1978.

4. Several orders have been passed by the Writ Courts as well as by Division Benches, granting and declining the said benefit, thereby causing inconsistency in judicial pronouncements. Judgments both for and against the claim have been placed before this Court. But in all those orders, the scope of Tamil Nadu Pension Rules, 1978 and the principles settled by the Full Benches are not considered.

5. A batch of writ appeals were filed by the State in **State of Tamil Nadu and Others -vs- A.Chidambaram (2026/MHC/2486)** wherein the rightfulness of the claim made by the Part- Time Panchayat Clerks in the context of the Rules and with reference to the Full Bench was examined and the said batch of writ appeals were disposed of by this Court by a detailed order dated 23.06.2026. The relevant portion of the order reads as under:

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"*26. Pension is the deferred portion of the wages for the services rendered by a government employee. Therefore, pension, though given the status of a right under the constitution still exists within the contours of the scheme framed by the Government under relevant Rules i.e, Rules, 1978. Therefore, though it is a right, it still operates within the framework as designed by the Government. The framework of Rule 11 of the Pension Rules is more of a welfare provision, as it stipulates counting 50% of temporary service along with the actual period of regular service of a Government employee. When the Government has given an additional benefit over and above the counting of regular service, this cannot be used as a ladder to claim counting of the full period of service rendered by Government servants on a temporary basis. In respect of counting 50% of temporary service, the Rule in unambiguous terms reiterates that the benefit is to be extended to employees employed in a whole-time job and not in a part-time job.*

27. In the present batch of appeals, the grounds for relief are based on the Government Orders implementing Court orders, and certainly not on the foothold of the Rules/law in place. Consequently, such individual orders have been followed as precedent in similarly placed consequential cases, creating a spinning wheel of precedent to choose from,

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thereby causing inconsistency and diluting the actual Rules/law in force.

28. The question arises: when certain orders relied on are running counter to the Pension Rules in force, and have been passed merely by relying on earlier orders as well as Government Orders implementing those court orders, can such orders be followed in perpetuity?

*29. In this regard, reliance has been placed on the Full Bench judgment in the case of **P.L.S. Palaniappan** cited supra. It is considered that Article 14 of the Constitution of India cannot be invoked for perpetuating illegality. A wrong order passed in one case cannot be made the basis for compelling a public authority to pass a similar order in any other case. Even if the State implements an erroneous order passed by the Court, it cannot be precluded from challenging a similar order passed in another case, simply because an appeal was not preferred in the earlier case.*

CONCLUSION:

30. Relying on the legal principle considered as above, this Court could arrive at the irresistible conclusion that those Government Orders and the judgments of the Single Judges and the Division Bench, running counter to the ratio laid down by the Full Bench judgments cited supra, cannot be a ground to claim the relief of counting of 50% of service in respect of part-time service rendered. The said benefit is to be granted strictly in accordance with the Pension Rules.

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31. Therefore, all the orders of the learned Single Judges and Division Bench judgments, running counter to Rule 11(2) and 11(4) of the Rules, 1978 and contrary to the judgments of the Full Bench of this Court, have denuded to lose its status as precedent and cannot be followed for granting the relief of counting of 50% of service rendered by Part-Time Panchayat Clerks, or employees served in part-time employment."

6. The above judgment squarely applies to the facts of the present case. Accordingly, the writ appeal stands allowed and the order passed by the writ Court dated 18.01.2024 made in W.P.No.6487 of 2023 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
15-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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To

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