



W.A.(MD).Nos.1047 to 1049 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2026

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR. JUSTICE N.DILIP KUMAR

W.A(MD)Nos.1047 to 1049 of 2019

W.A.(MD).No.1047 of 2019

C.Chellaswamy

: Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 00

2.The District Collector,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer:This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court to call for the records of the common order dated 10.07.2019 passed by the learned Judge in W.P. (MD).No.3496 of 2015 and set aside the same and allow the writ appeal.

For Appellant : Mr.C.Kishore

For Respondents : Mr.S.Mohan Kumar,
Additional Government Pleader



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W.A.(MD).No.1048 of 2019

Selvaraj

: Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-600 009.

2.The District Collector,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer:This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court to call for the records of the common order dated 10.07.2019 passed by the learned Judge in W.P. (MD).No.3497 of 2015 and set aside the same and allow the writ appeal.

For Appellant : Mr.C.Kishore
For Respondents : Mr.S.Mohan Kumar,
Additional Government Pleader

W.A.(MD).No.1049 of 2019

S.Nelson

: Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George,



W.A.(MD).Nos.1047 to 1049 of 2019

Chennai-600 009.

2.The District Collector,
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Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Thuckalay,
Kanyakumari District.

... Respondents

Prayer:This Writ Appeal is filed under Clause 15 of Letters Patent Act, against the order passed by this Court to call for the records of the common order dated 10.07.2019 passed by the learned Judge in W.P. (MD).No.3498 of 2015 and set aside the same and allow the writ appeal.

For Appellant : Mr.C.Kishore

For Respondents : Mr.S.Mohan Kumar,
Additional Government Pleader

COMMON JUDGMENT

(Common Judgment of the Court was made by **M.DHANDAPANI.J.**)

These Intra-Court Appeals have been filed challenging the orders passed by the learned Single Judge of this Court in W.P.(MD)Nos.3496 to 3498 of 2015, dated 10.07.2019.

2. The appellants herein filed the above writ petitions seeking a writ of mandamus directing the respondents to refix their pension by taking into consideration the entire period of service rendered by them from 21.07.1975 to 31.03.2014, on par with the benefits granted in various judgments of this Court. However, the learned Single Judge



dismissed the writ petitions. Challenging the same, the present Intra-Court Appeals have been filed.

3. The learned counsel appearing for the appellants would submit that the issue relating to the grant of pensionary benefits to persons who had rendered service as Village Assistants prior to the year 1995 has already been considered by the Full Bench of this Court and certain pensionary benefits have been extended to similarly placed persons. It is further submitted that the case of the appellants is squarely covered by the decision rendered in Raman Nair's case, which has also been upheld by the Hon'ble Supreme Court. Therefore, the appellants are entitled to the relief sought for in the writ petitions.

4. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that the issue raised in these appeals is no longer res integra and has already been considered by this Court. On a bare perusal of the orders of appointment, it is evident that the appellants were appointed as Thalayaris in the year 1975 on a temporary basis. The orders of appointment specifically state that they were temporarily appointed as Thalayaris and would be paid the scale of pay fixed for Thalayaris under the Tamil Nadu pattern of pay. It is further submitted that the post of Thalayari was governed by separate rules framed by the State Government. The learned Additional Government Pleader would further submit that, in view of the elaborate consideration



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made by the Full Bench of this Court in respect of similarly placed persons, particularly part-time Thalayaris who were subsequently regularised as Village Administrative Officers, the appellants are not entitled to claim the benefit of counting their entire temporary service for the purpose of fixation of pension. Therefore, the order passed by the learned Single Judge does not warrant any interference by this Court.

5. We have considered the submissions made by the learned counsel appearing for the appellants as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The issue involved in these appeals is no longer res integra. The Full Bench of this Court in 2026 (3) CTC (1) has already considered the entitlement of persons similarly placed to claim pensionary benefits by taking into account their service rendered as Thalayaris prior to their regularisation. In view of the said decision and the subsequent decisions rendered by this Court, the appellants cannot claim the benefit of counting their entire temporary service from 21.07.1975 for the purpose of refixation of pension. The learned Single Judge has rightly considered the issue and dismissed the writ petitions. We find no infirmity or illegality in the orders impugned in these appeals warranting interference by this Court.



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7. Accordingly, these Intra-Court Appeals are dismissed. There shall be no order as to costs. However, considering the fact that the amounts have already been paid to the appellants pursuant to the orders passed by the learned Single Judge, there shall be a direction to the respondents not to recover the amounts already paid to the appellants in respect of the **Whitewasher's case**.

[M.D.I.,J] [N.D.K.,J]

11.08.2026

Index:Yes/No
Internet:Yes/No
TSG

To

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Fort St.George,
Chennai-600 00

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Nagercoil,
Kanyakumari District.

3.The Tahsildar,
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M.DHANDAPANI, J

AND

N.DILIP KUMAR, J

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