



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED :28.01.2016

WEB COPY

CORAM :  
THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P(MD)No.1831 of 2016  
and  
WMP(MD)No.1579 of 2016

M.Nallathambi ... Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Represented by its Secretary,  
Revenue Department,  
Fort St. George, Chennai - 600 009.
- 2.The Principal Accountant General,  
No.361, Anna Salai,Teynampet, Chennai - 600 018.
- 3.The Principal Secretary-cum-  
Commissioner of Revenue Administration,  
Chepauk, Chennai-600005.
- 4.The District Collector,  
Thanjavur District, Thanjavur.
- 5.The Tahsildar,  
Pattukottai,  
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to count half of the service rendered by the petitioner as "Masalji" from 06.03.1985 to 19.01.2012 prior to regularization on 20.01.2012 along with the regular service rendered by the petitioner as "Night Watchman" from 20.01.2012 to 31.03.2015 as qualifying service for the purpose of sanctioning pension and further directing the respondents 4 & 5 to send proposal to the second respondent and grant pension to the petitioner with all consequential benefits, arrears with interest.

|                 |                           |
|-----------------|---------------------------|
| For Petitioner  | : Mr.M.P.Senthil          |
| For R-1, 3 to 5 | : Mr.J.Gunaseelan Muthiah |
| For R-2         | : Mr.P.Gunasekaran        |

**O R D E R**

According to the petitioner, he rendered his service as  
'Masalji' from 06.03.1985 to 19.01.2012 and thereafter, his



service was regularized as 'Night Watchman' on 20.01.2012 and thereafter, he retired from service on 31.03.2015. But, he is not paid the pension stating that he did not have ten years of qualifying service.

2. Since it is submitted that the matter is covered by the decision of this Court in **P.Chinniyan vs. State of Tamil Nadu** reported in (2014) 6 MLJ 316, the matter is taken up for final disposal.

3. The order of appointment, dated 28.02.1985 was issued by the Sub-Collector(in-charge), Pattukottai, appointing the petitioner as "Masalji". Therefore, it is clear that he was appointed as "Masalji" by an order, dated 28.02.1985. But, he joined duty on 06.03.1985.

4. He was regularised in service by way of G.O.Ms.No.31 Revenue Department, dated 20.01.2012. As per the said G.O., the petitioner was regularised in service as 'Night Watchman' from the date of issuance of the said G.O. Both the appointment order and the G.O., are enclosed in the typed set of papers.

5. As rightly contended by the learned counsel appearing for the petitioner, as per Rule 11(2) and Rule 11(4) of the Tamil Nadu Pension Rules, 1978 and the judgment made in Chinniyan's case referred to above, the petitioner is entitled to pension, since 50% of service rendered as "Masalji" from 06.03.1985 to 19.01.2012 has to be counted along with regular service. If it is counted, then the petitioner has rendered more than ten years of qualifying service.

6. Hence, the Writ Petition is allowed and a direction is issued to the respondents to count 50% of service rendered as 'Masalji' along with regular service and to send proposal for pension to the second respondent namely the Principal Accountant General, within a period of twelve weeks from the date of receipt of a copy of this order and on such proposal being sent, the second respondent shall consider the same and pass appropriate orders, within a period of six weeks thereafter. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar  
Madurai Bench of Madras High Court,  
Madurai.



pm

To

- 1.The Secretary,  
State of Tamil Nadu,  
Revenue Department,  
Fort St. George,  
Chennai - 600 009.
- 2.The Principal Accountant General,  
No.361, Anna Salai,  
Teynampet, Chennai - 600 018.
- 3.The Principal Secretary-cum-  
Commissioner of Revenue Administration,  
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- 4.The District Collector,  
Thanjavur District,  
Thanjavur.
- 5.The Tahsildar,  
Pattukottai,  
Thanjavur District.

+1 cc to Mr.M.P.Senthil, Advocate, SR No.5314

+1 cc to Mr.P.Gunasekaran, Advocate, SR No. 5917

W.P (MD) No.1831 of 2016  
28.01.2016

RG.NGM-SS/SAR-I 09.02.2016 3P.8C