

IN THE HIGH COURT OF JUDICATURE AT MADRAS

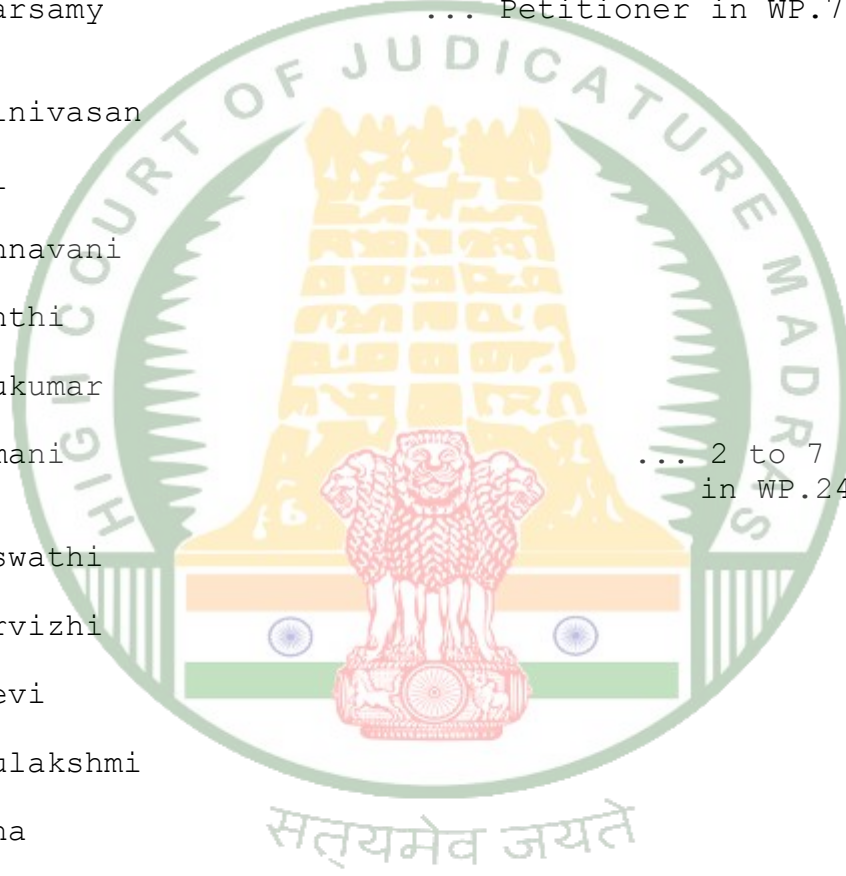
DATED : 02.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.7217 of 2015, 24502 to 24504 of 2015, 17102 to 17113 of 2016, 18634 to 18637 of 2017, 18428 of 2017, 18416 of 2017, 41841 to 41842 of 2016, 25275 of 2016 and Connected M.Ps.

1. K.Alagarsamy ... Petitioner in WP.7217 of 2016
2. K.P.Srinivasan
3. Revathi
4. N.Krishnavani
5. S.Jayanthi
6. S.Muthukumar
7. S.Velumani ... 2 to 7 Petitioners in WP.24502 of 2015
8. G.Saraswathi
9. T.Malarvizhi
- 10.G.Umadevi
- 11.D.Subbulakshmi
- 12.G.Amutha
- 13.R.Rajan
- 14.R.Ravi
- 15.A.Murugan
- 16.K.Venkatachalapathi
- 17.E.Sivaguruganeshaboopathi
- 18.R.Manickam



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19.A.V.Shoba
20.K.Bagyalakshmi
21.S.Sargunam
22.G.Ramalakshmi
23.Karpagam ... 8 to 23 Petitioners in
WP.24503 of 2015
24.G.Kabilan ... Petitioner in WP.24504 of 2015
25.S.Chidambaram ... Petitioner in WP.17102 of 2016
26.V.Murugaiyan ... Petitioner in WP.17103 of 2016
27.R.Balasubramaniyan ... Petitioner in WP.17104 of 2016
28.R.Rajagopalan ... Petitioner in WP.17105 of 2016
29.V.Thayumanavan ... Petitioner in WP.17106 of 2016
30.R.Panneerselvam ... Petitioner in WP.17107 of 2016
31.R.Kandasami ... Petitioner in WP.17108 of 2016
32.S.Nadimuthu ... Petitioner in WP.17109 of 2016
33.K.G.Sivasubramanian ... Petitioner in WP.17110 of 2016
34.M.Sivapunniam ... Petitioner in WP.17111 of 2016
35.M.Chokkalingam ... Petitioner in WP.17112 of 2016
36.M.Malliga ... Petitioner in WP.17113 of 2016
37.P.Malayandi ... Petitioner in WP.18634 of 2017
38.M.Manikkam ... Petitioner in WP.18635 of 2017
39.A.Chellaiyan ... Petitioner in WP.18636 of 2017
40.U.Adikkan ... Petitioner in WP.18637 of 2017
41.M.Viswanathan ... Petitioner in WP.18428 of 2017
42.M.Sampath ... Petitioner in WP.18416 of 2017
43.R.Chinnasamy ... Petitioner in WP.41841 of 2016

44.V.Natesan ... Petitioner in WP.41842 of 2016

45.S.Chandra ... Petitioner in WP.25275 of 2016

Vs.

1. The Government of Tamilnadu,
Rep.by its Secretary,
Rural Development Department,
Fort St.George, Chennai 15.
... 1st Respondent in WP.7217 of 2015
2. The Director of Rural Development Department,
Panagal Building,
Saidapet, Chennai 15.
.... 2nd Respondent in WP.7217 of 2015
3. The District Collector,
District Collectorate,
Virudhunagar District.
... 3rd Respondent in WP.7217 of 2015
4. The Block Development Officer,
Thiruchuli Panchayat Union @ M.Reddiyapattim,
Aruppukottai Taluk,
Virudhunagar District.
.... 4th Respondent in WP.7217 of 2015
5. The Principal
Accountant General
O/o Accountant General
Teynampet, Chennai 18
.... 5th Respondent in WP.7217 of 2015
.... 4th Respondent in WPs.18634,
18635, 18636, 18637 and 18416 of 2017
6. The Government of Tamil Nadu
Through its Secretary
School Education Department
Chennai.
... 1st Respondent in WPs.24502 to
24504 of 2015 and 25275 of 2016
7. The Director of Public Libraries
737, Anna Salai, Chennai 2.
... 2nd Respondent in WPs.24502
to 24504 of 2015
8. The District Library Officer
O/o The District Library
Coimbatore.
... 3rd Respondent in WPs.24502
to 24504 of 2015

9. The State of Tamil Nadu
Rep by its Secretary to Government
Finance(Pension) Department
Fort. St.George, Chennai 9.

... 1st Respondent in WPs.17102
to 17113, 41841 & 41842 of 2016

10.The Principal Accountant General
(Accountant and Entitlement)
361, Annasalai Chennai

... 2nd Respondent in WPs.17102
to 17113 of 2016

11.The District Collector
Nagapattinam District
Nagapattinam

... 3rd Respondent in WP.17102,
17105, 17106 & 17108 of 2016

12.The District Collector
Thiruvarur District
Thiruvarur

... 3rd Respondent in WPs.17103, 17104,
17107, 17109 to 17113 of 2016

13.The State of Tamil Nadu
Rep by its Secretary to Government
Environment and Forest Department
Fort. St. George, Chennai 9.

... 1st Respondent in WPs.18634, 18635,
18636, 18637 & 18416 of 2017

14.The Principal Chief Conservator
of Forest & Head of Forest Force,
Panagal Building
Saidapet, Chennai 15.

... 2nd Respondent in WPs.18634
& 18635 of 2017

15.The District Forest officer cum
Deputy Director,
Aanaimalai Tiger Reserve, Ramasamy Nagar
Udumalaipettai, Tirupur.

... 3rd Respondent in WP.18634 of 2017

16.The District Forest Officer
Pudhukottai Forestry Division
Pudhukottai 622 003.

... 3rd Respondent in WPs.18635
& 18637 of 2017

17.The Forest Extension Officer
Forestry Extension Centre
Thanjavur

... 3rd Respondent in WP.18636 of 2017

18.The Principal Chief Conservation
of Forest, Panagal Building
Saidapet, Chennai 15.

... 2nd Respondent in WPs.18636,
18637, 18416 of 2017

19.The Secretary to Government
Municipal Administration and Water Supply Department
Fort. St. George, Chennai 9.

... 1st Respondent in WP.18428 of 2017

20.The Director of Municipal
Administration, Chepauk,
Chennai.

... 2nd Respondent in WP.18428 of 2017

21.The District of Local Fund Audit,
Nandanam, Chennai-25.

... 3rd Respondent in WP.18428 of 2017

22.The Commissioner
Namakkal Municipality,
Nammakkal.

... 4th Respondent in WP.18428 of 2017

23.The District Forest Officer,
Thiruvannamalai North Division,
Polur.

... 3rd Respondent in WP.18416 of 2017

24.The Senior Accounts Officer,
O/o.Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
361, Annasalai, Chennai-18.

... 2nd Respondent in WPs.41841
& 41842 of 2016

25.The Collector, Salem
Salem District.

... 3rd Respondent in WPs.41841
& 41842 of 2016

26.The Revenue Divisional Officer,
Sankagiri, Salem.

... 4th Respondent in WPs.41841
& 41842 of 2016

27.The Director of Government Examination,
College Road, Chennai-9.

... 2nd Respondent in WP.25275 of 2016

28.The Secretary to Director of Government Examinations,
O/o Directorate of Government Examinations,
College Road, Chennai-6.

... 3rd Respondent in WP.25275 of 2016

These Writ Petitions are filed under Article 226 of the Constitution of India, praying to issuance of Writ,

1. Directing the respondents herein to forthwith take into account 50% of the services rendered in the Post of Part Time Clerk i.e. from 1.9.1967 to 7.12.1993 along with regular service and also regularize the suspension period from 24.7.2000 to 6.5.2001 and take into account both for the purpose of calculating qualifying service and pay the pensionary benefits including monthly pension with effect from 1.5.2008. (In WP.7217 of 2015)

2. Declaring that the Petitioners are deemed to have commenced their qualifying service under the TN Pension Rules 1978 prior to 01-04-2003 by treating the date of joining the posts of Village Librarian as the relevant date for determining the date of commencing the qualifying service of the Petitioners under the Tamil Nadu Pension Rules 1978 and consequently direct the respondents to treat 50% of the service rendered by the petitioners as village Librarians as pensionable service along with their service as Grade III, librarians for the computation of pension under Rule 11(2) of the Tamil Nadu Pension Rules 1978. (In WP.24502 to 24504 of 2015)

3. Directing the respondents to count 50% of the service rendered by the petitioners on consolidated pay in the post of Village Karnam from 1.3.1973 to 14.11.1980, 01.01.1973 to 14.11.1980, 8.4.1972 to 14.07.1980, 06.02.1972 to 14.11.1980, 20.06.1970 to 14.11.80, 01.02.1976 to 14.11.1980, 29.04.1977 to 14.11.80, 30.10.1971 to 14.11.1980, 24.12.1978 to 14.11.80, and 22.01.1972 to 14.11.1980 respectively along with the service rendered in the post of Village Administrative Officer from 11.8.1982 to 28.2.2011 as qualifying service for the purpose of pension and grant the petitioner to all consequential benefits in view of the order passed in W.P.No.24013 of 2014 dated 4.9.2014. (In WPs.17102 to 17113 of 2016)

5. Directing the 1 to 3 respondents to count the half of service rendered by the petitioner as social Forestry worker from 01.06.1984 to 23.01.1995 on temporary basis along with the regular service from 24.01.1995 till the date of retirement on 31.01.2015 as qualifying service from 24.01.1995 till the date of retirement on 31.01.2015 as qualifying service for the authorize the same with all consequential benefits. (In WP.18634 of 2017)

6. Directing the 1 to 3 respondents to count the half of service rendered by the petitioner as social Forestry worker from 01.06.1984 to 23.01.1995 on temporary basis along with the regular service from 24.01.1995 till the date of retirement on

31.01.2015 as qualifying service from 24.01.1995 till the date of retirement on 31.01.2015 as qualifying service for the authorize the same with all consequential benefits. (In WP.18635 of 2017)

7. Directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.01.1984 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.06.2017 as qualifying service for the purpose of conferment of pension and to direct the respondent to send pension proposal including family pension Gratuity and Commuted Value of pension to the Fourth respondent to authorize the same with all consequential benefits. (In WP.18636 of 2017)

8. Directing the 1 to 3 respondents to count the half of service rendered by the petitioner as Plot Watcher from 01.02.1978 to 06.08.2009 on temporary basis along with the regular service from 07.08.2009 till the date of retirement on 30.06.2017 as qualifying service for the purpose of conferment of pension and to direct the respondent to send pension proposal including family pension Gratuity and Commuted Value of pension to the Fourth respondent to authorize the same with all consequential benefits. (In WP.18637 of 2017)

9. Directing the respondents to allot GPF (General Provident Fund Account) Number for grant of Pension to the petitioner under the Tamil Nadu pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by him on daily wages along with his regular service. (In WP.18428 of 2017)

10. Directing the respondents 1 to 3 to count half of the service rendered by the petitioner as Social Forestry Worker on daily wage basis from 17.02.1983 till 06.08.2009 along with the regular service rendered by him as Gardener from 07.08.2009 till the date of his retirement on 30.06.2014 as qualifying service send proposal to the 4th respondent grant pension to the petitioner with all consequential monetary benefits. (In WP.18416 of 2017)

11. To call for the records relating to the impugned order of the second respondent in Pen 26/ 1/12621531/Rn/ 16-17/Final Reply dated 13.07.2016 and quash the same and direct the respondents to count 50% of the service rendered by the petitioner on consolidated pay in the post of Village Karnam from 11.10.1974 to 10.08.1982 along with the service rendered in the post of Village Administrative Officer from 01.09.1982 to 31.08.2008 as qualifying service for the purpose of pension and grant him all consequential benefits. (In WP.No.41841 of 2016)

12. To call for the records relating to the impugned order of the second respondent in Pen 26/ 2/12621532/REV/ 16-17/ADK-CL/3 dated 15.07.2016 and quash the same and direct the respondents to count 50% of the service rendered by the petitioner on consolidated pay in the post of Village Karnam from 21.06.1969 to 10.08.1982 along with the service rendered in the post of Village Administrative Officer from 01.09.1982 to 31.01.2006 as qualifying service for the purpose of pension and grant him all consequential benefits. (In WP.No.41842 of 2016)

13. Directing the respondents to consider the claims of the petitioner with regard to count 50% of the petitioners husband daily wage service (i.e) from 17.2.1981 to 16.7.1991 along with regular service for the purpose of granting family pension to the petitioner with all benefits and grant revised family pension to the petitioner as per rule 11(2) of the Tamilnadu Pension Rules. (In WP.No.25275 of 2016)

For Petitioners : Mr.K.Raja for WP.7217 of 2015
Mr.N.Umapathi
for WPs.24502 to 24504 of 2015
M.Murugabharathi for WPs.17102 to
17113 of 2016
Mrs.K.Jenitha for WPs.18634 to
18637 of 2017
Mr.R.Prem Narayan
for WP.18428 of 2017
Mr.R.Rangaramanujam
for WP.18416 of 2017
Mr.P.Rajendran for WPs.41841 and
41842 of 2016
Mr.G.Elanchezhian
for WP.25275 of 2016

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader
for R1 to R3 in WP.7217 of 2015
and R1 and R3 in WPs.17102 to
17113 of 2017

Mr.R.Rajeswaran for R4 in
WP.7217 of 2017

Mr.V.Vijayashankar for R5
in WP.7217 of 2015, R4 in
WPs.18634 to 18637 of 2017 and
Respondents in WP.18416 of 17

Mr.T.S.Selvarani for R2 in
WPs.17102 to 17113 of 2016

Mr.M.Santhanaraman for R1 to
R3 in WPs.18634 to 18637 of 2017

Mr.K.Dhanjayan for R1 to R3
in WP.18428 of 2017

Mr.M.Rajamathivanan for R4
in WP.18428 of 2017

Mr.C.C.Rangarajan,
Government Advocate for
R1 to R3 in WP.18416 of 2017 and
R1, R3 and R4 in WP.41841 and
41842 of 2016 and Respondent
in WP.25275 of 2016 and

Mrs.Hema Muralikrishnan for R2
in WPs.41841 and 41842 of 2016

COMMON ORDER

The common relief sought for in all these batch of writ petitions is to calculate 50% of the services rendered by the writ petitioners in the post of part time/Temporary/Casual in Government Departments for the purpose of counting the qualifying services in order to grant Pension under Tamil Nadu Pension Rules,1978.

2. The grievances advanced in these writ petitions are that the Government amended Rule 11 of the Tamil Nadu Pension Rules, in respect of qualifying the services and the amended Rule is extracted hereunder:

Rule 11

QUALIFYING SERVICE

1. "Commencement of qualifying service - {(1)} Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he taken charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity. In the case of a Government servant retiring on or after the 1st October, 1969,2{.....} temporary or officiating service in a pensionable post whether rendered in a regular capacity or not shall count in full as qualifying service even it is not followed by confirmation.

(2) Half of the service paid from contingencies shall be allowed to count towards qualifying

service for pension along with regular service subject to the following conditions:

- service paid from contingencies shall be in a job involving whole time employment and not part time for a portion of the day.
- Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar.
- Service shall be for which the payment is made out on monthly or daily rates computed and paid on a monthly basis and which, though not analogous to the regular scale of pay, shall bear some relation in the matter of pay to those being paid for similar jobs being performed by staff in regular establishments.
- Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break.
- Subject to the above conditions being fulfilled, the weightage for past service paid from contingencies shall be limited to the period after the 1st January 1961 for which authenticated records of service may be available.
- Pension or revised pension admissible as the case shall be paid from the 23rd June 1988.]

[Half of the service rendered by State Government employee under non-pensionable establishment shall be allowed to be counted for pensionary benefits along with regular service under pensionable establishment subject to the following conditions.

(a) Service under non-pensionable establishment should have been in a job involving whole time employment.

(b) The service under non-pensionable establishment should have been on time scale of pay.

(c) The service under non-pensionable establishment should have been continuous and followed by absorption in pensionable establishment without a break.

(3) These orders shall take effect from the date of this Government Order. In respect of those who retired prior to the date of this order, eligible pension or revised pension, as the case may be, shall be paid from the date

of this order, and that there can be no claim for arrears in any case for the period upto the date of this order.

Note: In the case of the employees of the former Pudukkottai State and persons transferred from the former Travancore-Cochin State consequent on the reorganisation of State temporary or officiating service rendered in a regular capacity under the former Pudukkottai State or the former Travancore-Cochin State shall count in full for purposes of pension:

Provided that-

(a) in the case of a Government Servant, service rendered before attaining the age of eighteen years shall not count, except for compensation gratuity;

(b) in the case of a Government Servant whose year and month of birth are known, but not the exact date the 16th of the month should be treated as the date of birth. When the year of birth is known but not the month and date 1st July if the year shall be taken.

(c) in the case of a Government Servant with no military service who gives on recruitment only his age, but not the year of his birth the year should be arrived at by deducting from the year of recruitment the given age and then the date of birth should be taken as the 1st July of that year:

Provided further that in the case of a Government servant with previous military service the date of birth is fixed as laid down below:

When a military employee is transferred to a civil department under the Government and assumes a civilian status, the date of birth to be entered in his service book should be the date stated by him at the time of attestation.

When the documents referring to the previous military service of an individual do not give the definite date of birth but only the age stated at the time of attestation, he should be assumed to have completed the stated age on the date of attestation e.g., if one ex-soldier was enrolled on 1st January 1910 and if, on that date, his age was stated to be 18, his date of birth should be taken as 1st January 1892. This procedure will apply to cases arising on or after 27th June 1938.

Notwithstanding anything contained above in cases where S.S.L.C. Or any other school certificate is available, the date of birth, as entered therein should be taken into account.

[Explanation.--For the purpose of date of birth, the word 'attestation' refers only to the initial records kept by the Defence Department at the time of appointment of the individual and not in the discharge certificate on discharge from the Defence Department.] '

3. While amending Rule 11(4)(iii), the Government imposed the cut-off date as 01.04.2003. It is stated that "Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break"

4. Thus, an employee who worked on temporary basis prior to 01.04.2003 and in case of his regularisation after 01.04.2003, he was held in-eligible to avail the benefit of 50% services rendered on temporary basis. The object of fixing the cut-off date as 01.04.2003 was to modify the pension scheme with effect from 01.04.2003, to one that of Contributory Pension Scheme. The writ petitioners claim that since, they are initially appointed on temporary basis prior to 01.04.2003, the same was resulted in confirmation of their appointment after 01.04.2003. Thus, they should not be denied the benefit of regular old Pension scheme of GPF under the Tamil Nadu Pension Rules, 1978. The issue was raised by the employees of the Central Government and the Honourable Division Bench of this Court in the Case of Union of India Vs. K.Punniyakotti reported in 2014 [2] CTC 777 has held as follows:

"10. The only issue arises for consideration in this Writ Petition is as to whether new Pension Scheme, which came into force from 01.01.2004, applicable to persons, who were already in employment either on daily wages or as temporary employees and whether, they are entitled to get pension under CCS (Pension) Rules, 1972 on being absorbed in permanent establishment after 01.01.2004.

11. It is not in dispute that the private Respondents, the Respondents 1 to 16 herein were appointed as Causal Labourers in daily wage basis for cleaning and assisting the Technicians and Scientists carrying out the task in various Laboratories of IGCAR. Government of India has introduced a scheme called "Causal Labourers (Grant of Temporary Status and Regularisation) Scheme , 1993", with effect from 01.09.1993. According to the said scheme, the Causal Labourers employed as on the date of the order, that was as on 01.09.1993, who have rendered

one year of continuous service in IGCAR are bound to be conferred temporary employee status and, they are to be regularly selected under Group 'D' after selection for permanent absorption.

13. It is also not in dispute that under the scheme above referred, which came into effect from 01.09.1993, 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits, after their absorption in regular post. The same is made clear in Para 5(iv) of IGCAR's Office Order dated 13.01.2000. Para 5(iv) reads as follows:

14. Thus, it is to be noted at this juncture that Respondents 1 to 16 having been granted temporary status from 13.01.2000, they are entitled to get more than 21/2 years of temporary status service as qualifying service for pension purpose, prior to absorption in the year 2005 in permanent establishment, viz., Group 'D' post. The said more than 2 ½ years of service cannot be wiped out or cannot be denied merely because new Pension Scheme was introduced by the Government of India from 01.01.2004. It is inequitable on the part of the Petitioners to contend that Respondents 1 to 16 having been absorbed in permanent establishment after the new Pension Scheme introduced, which came into force with effect from 01.01.2004, they are not entitled to get retirement benefits under GRF Rules/CCS (Pension) Rules, 1972.

17. The word "new entrant" has got a definite meaning, a person, who enters recently. A person already in service either as contingent staff or temporary staff continuously and absorbed in permanent establishment on or after 01.01.2004 cannot be termed as "new entrant" into service. The new Pension Scheme can be applied only to persons appointed for the first time as casual or temporary or permanent employee on or after 01.01.2004.

18. Similar issue was considered by one of us (N.P.V., J.) in W.P. Nos. 26933 & 26934 of 2007, order dated 23.04.2008. In the said case, the order of the Government of Tamil Nadu dated 06.08.2004 introducing new Pension Scheme with effect from 01.04.2003 came up for consideration and it was held that persons appointed /recruited after 01.04.2003 are not governed under the Tamil Nadu Pension Rules, 1978 and the persons appointed prior to the said date even in consolidated salary, or whose appointments as Secondary Grade Teachers were

approved subsequently with time scale pay after passing Child Psychology Training, Whose earlier services were ordered to be counted by the Division Bench of this Court. In the said case the Teachers were not paid salary before passing of Child Psychology Training, and they were ordered to be treated under the Tamil Nadu Pensions Rules, 1978 as their initial appointment was prior to 01.04.2003, and the said order was implemented.

20. Number of similar cases were considered in respect of the State Government employee under the Tamil Nadu Pension Rules, 1978, wherein also Rule 11(2) of the Tamil Nadu Pension Rules, 1978 provides counting of 50% of the contingency service on similar terms and conditions as enumerated under the above Rule 14(2) of CCS (Pension) Rules, 1972. In the said case Plot Watcher of Forest Department, appointed on daily wage basis from 01.09.1982, without interruption was absorbed in regular service from 24.08.2005 and he retired on 31.07.2011. Applying Rule 11(2) of Tamil Nadu Pension and Rules 1978, 50% of the service from 01.09.1982 till 23.08.2005 was ordered to be counted along with the regular service from 24.08.2005 till 31.07.2011 and ordered sanction of eligible pension and other benefits. In the said case also, regularisation was granted after the new Pension Scheme was introduced with effect from 01.04.2003 by the State Government. The said Order was made in W.P.No. 8205 of 2011 dated 19.04.2011, which was confirmed in W.A.No.27 of 2012 dated 13.02.2012 as well as in S.L.P.No.16119 of 2012 dated 10.05.2012 and in W.P.No.14987 of 2012 dated 14.06.2012

22. Similar issue regarding fixing of Pension by adding dearness pay by giving cut-off date was held arbitrary and violative of Articles 14 & 16 of the Constitution of India by the Supreme Court in the decision reported in Kallakkurichi Taluk Retired Officials Association v.State of Tamil Nadu, 2013(1) LLN 360 (SC) (2) SSC 772. The discriminatory treatment meted out to retired persons while granting Pension was not approved by the Honourable Supreme Court in the decision reported in D.S. Nakara v. Union of India, AIR 1983 SC 130."

5. The Honourable Division Bench after discussing the similar issue had dismissed the writ petition filed by the Union of India, confirming the order passed by the Central Administrative Tribunal in respect of the Central Government Employees. During the course of discussion, the Honourable Division Bench has discussed the very same issue in respect of

the Tamil Nadu Pension Rules also and the learned Single Judge (NPVJ) has decided the issue in respect of the Tamil Nadu State Pensioners with relevance to the Tamil Nadu Pension Rules. Thus, the writ petitioner in these batch of writ petitions are also entitled for the same benefit of counting of 50% of the temporary services as per the amended Rule 11 of the Tamil Nadu Pension Rules. Even in case of petitioners appointed on temporary basis prior to 01.04.2003 and confirmation of service was done after 01.04.2003. They are still entitled to avail the benefit of 50% of the counting of past services rendered on temporary basis as per the conditions stipulated in the Rule 11 of the Tamil Nadu Pension Rules, 1978.

6. The respective respondents in all these writ petitions have to consider the case of these writ petitioners in accordance with the terms and conditions stipulated in the amended Rule 11 of the Tamil Nadu Pension Rules, 1978. Accordingly, the benefit of extension of 50% of the services shall be extended, if the writ petitioners are qualified and eligible, based on the findings in this judgment (cited supra) as well as amended Rule 11 of the Tamil Nadu pension Rules.

7. In respect of the Rule 11(iv) prescribing cut off date of 01.04.2003, this Court vide order dated 18.06.2014 made in W.P.No.24236 of 2013, had quashed Rule 11(iv) only in respect of the cut off date of 01.04.2003. Thus, the Rule 11(iv) is not in existence.

8. The learned Special Government Pleader also confirmed that the State has not preferred any appeal against the said judgment. Thus, the case of the writ petitioners has to be considered without reference to the cut off date of 01.04.2003 and Rule 11(iv) of the Pension Rules. However, the writ petitioners have to fulfill all other conditions stipulated in Rule 11(i, ii, and iii) of the Tamil Nadu Pension Rules, 1978 as applicable to the respective writ petitioners in these writ petitions.

9. Accordingly, all the rejection orders passed in this regard in these writ petitions are quashed. The respondents are directed to reconsider the case of the writ petitioners, in the light of the observations made in this judgment for the purpose of granting the relief of counting of service of 50% of the services rendered on temporary basis and pass appropriate orders in accordance with Rule 11 of the Tamil Nadu Pension Rules, 1978 and communicate the same to the writ petitioners as early as possible, preferably within a period of four months from the date of receipt of a copy of this order.

10. In respect of the in-service candidates, the GPF Account has to be opened after closing the CPF Account, opened

on account of the cut of date of 01.04.2003, since, the cut of date was already quashed by this Court and there was no appeal against the order.

11. Accordingly, the writ petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sk
To

1. The Secretary,
Rural Development Department,
Fort St.George,
Chennai 600 009.
2. The Director of Rural Development Department,
Panagal Building, Saidapet,
Chennai 600 015.
3. The District Collector,
District Collectorate,
Virudhunagar District.
4. The Block Development Officer,
Thiruchuli Panchayat Union,
@ M.Reddiyapatti,
Aruppukottai Taluk,
Virudhunagar District.
5. The Principal,
Accountant General,
O/o.Accountant General, Teynampet,
Chennai 600 018.
6. The Secretary to
Government of Tamil Nadu
School Education Department
Chennai.
7. The Director of Public Libraries,
No.737, Anna Salai,
Chennai 2.

8. The District Library Officer
O/o The District Library
Coimbatore.
9. The Secretary to Government
Finance(Pension) Department
Fort. St.George, Chennai 9.
- 10.The Principal Accountant General
(Accountant and Entitlement)
No.361, Annasalai Chennai
- 11.The District Collector
Nagapattinam
- 12.The District Collector
Thiruvarur
- 13.The Secretary to Government
Environment and Forest Department
Fort. St. George, Chennai 9.
- 14.The Principal Chief Conservator
of Forest & Head of Forest Force,
Panagal Building
Saidapet, Chennai 15.
- 15.The District Forest officer cum
Deputy Director,
Aanaimalai Tiger Reserve, Ramasamy Nagar
Udumalaipettai, Tirupur
- 16.The District Forest Officer
Pudhukottai Forestry Division
Pudhukottai 622 003.
- 17.The Forest Extension Officer
Forestry Extension Centre, Thanjavur
- 18.The Principal Chief Conservation
of Forest, Panagal Building
Saidapet, Chennai 15.
- 19.The Secretary to Government
Municipal Administration and Water Supply Department
Fort. St. George, Chennai 9.
- 20.The Director of Municipal
Administration, Chepauk,
Chennai.

21.The District of Local Fund Audit,
Nandanam, Chennai-25.

22.The Commissioner
Namakkal Municipality,
Nammakkal.

23.The District Forest Officer,
Thiruvannamalai North Division,
Polur.

24.The Senior Accounts Officer,
O/o.Principal Accountant General,
(Accounts & Entitlements) Tamil Nadu,
361, Annasalai, Chennai-18.

25.The Collector,
Salem District.

26.The Revenue Divisional Officer,
Sankagiri, Salem.

27.The Director of Government Examination,
College Road, Chennai-9.

28.The Secretary to Director of Government Examinations,
O/o Directorate of Government Examination,
College Road, Chennai-6.

+1cc to Mr.K.Raja, Advocate, S.R.No.55947

+3cc's to Mr.N.Umapathi, Advocate, S.R.No.55160

+12cc's to Mr.R.Murugabharathi, Advocate, S.R.Nos.55815 to 55826

+4cc's to Mr.K.Jenitha, Advocate, S.R.Nos.56005 to 56008

+2cc's to Mr.R.Prem Narayan, Advocate, S.R.No.55220

+1cc to Mr.M.Rajamathivanan, Advocate, S.R.No.55718

+1cc to Mr.G.E.Elanchezhiyan, Advocate, S.R.No.55502

+1cc to Mr.R.Rangaramanujam, Advocate, S.R.No.55568

+1cc to the Special Government Pleader (Forest), S.R.No.54982

+1cc to the Government Pleader, S.R.Nos.56573, 56557, 56571,
56576, 56569, 56257, 56238 and 56241

W.P.Nos.7217 of 2015
etc., and batch

SCD(CO)
CA, SP, SS, AA, VR, GN(14.09.2017)