

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.22741, 6027, 13585, 13927/2015, 2304, 5833, 40003, 40736
and 41637/2016, 30867, 31008, 31526 to 31532, 32262 to 32271,
32529 to 32531, 32642, 32624 to 32638, 32821 to 32823, 32911 to
32916, 32917, 33088 to 33094, 33122, 33489 to 33491, 34245,
34253 to 34257, 34324 to 34327/2017 and 1150, 1151, 3305 to
3307, 3918 to 3920, 5060 to 5065, 5338 to 5341, 6325/2018 and
connected Miscellaneous Petitions

1 V. GNANAVEL

2 K. KIRUBAGAR

3 I. RICHARD

4 S. SIVAKUMAR

5 K. SEKARAN

6 S. SIVASANKARAN

7 M. CHINNUSAMY

8 T. RAJAGOPAL

9 S. KANNAN

10 S. KRISHNAKUMAR .. PETITIONERS in WP No.22741 of 2015

P.SAMPOORANAM PETITIONER in WP No.6027 of 2015

C.ARUMUGAM ...PETITIONER in WP No.13585 of 2015

K.ARUNAJATESAN .. PETITIONER in WP No.13927 of 2015

1 GURUSAMY

2 RUKUMANI

3 PERUMAYEE ... PETITIONERS in WP No.2304 of 2016

1 SHELLY

2 SAMU

3 MUNIAMMAL

4 NARASHIMMAN

5 BABU

6 PAPPAMMAL

7 S.PITCHANDI

8 G.VIJAYKUMAR

9 C.MURUGAN

10 K.MANGAMMAL

11 KONDIAH

12 V.GANGADHARAN ... PETITIONERS in WP No.5833 of 2016

1 TMT.S.ANBARASU ... PETITIONER in WP No.40003 of 2016

1 P.MATHIARASU

2 S.PALANISAMY

3 P.MARIAPPAN ... PETITIONERS in WP No.40736 of 2016

J.JOHN BOSCO ...PETITIONER in WP No.41637 of 2016

E.JEYASEELAN ... PETITIONER in WP No.30867 of 2017

A.MARIMUTHU ... PETITIONER in WP No.31008 of 2017

P.NERUSUGAM ... PETITIONER in WP No.31526 of 2017

R.MURUGESAN ... PETITIONER in WP No.31527 of 2017

D.GOVINDARAJAN ... PETITIONER in WP No.31528 of 2017

K.SUBRAMANIAM ... PETITIONER in WP No.31529 of 2017

S.JAYAVEL ... PETITIONER in WP No.31530 of 2017

D.SUNDARAM ... PETITIONER in WP No.31531 of 2017

M.SELVARAJ ... PETITIONER in WP No.31532 of 2017

S.K.POOMANI ... PETITIONER in WP No.32262 of 2017

M.MANI ... PETITIONER in WP No.32263 of 2017
K.MANI ... PETITIONER in WP No.32264 of 2017
K.RAVI ... PETITIONER in WP No.32265 of 2017
T.P.PERUMAL ... PETITIONER in WP No.32266 of 2017
T.K.ELANGOVAN ... PETITIONER in WP No.32267 of 2017
P.SELVAM ... PETITIONER in WP No.32268 of 2017
M.RAMACHANDRAN ... PETITIONER in WP No.32269 of 2017
R.NATARAJAN ... PETITIONER in WP No.32270 of 2017
R.MAADHU ... PETITIONER in WP No.32271 of 2017
N.MANICKAVEL ... PETITIONER in WP No.32529 of 2017
R.BALASUBRAMANI .. PETITIONER in WP No.32530 of 2017
R.SOUNDARAPANDIAN PETITIONER in WP No.32531 of 2017
P.KRISHNAMURTHY ..PETITIONER in WP No.32642 of 2017
A.RAVI ..PETITIONER in WP No.32624 of 2017
S.BALAJI ... PETITIONER in WP No.32625 of 2017
D.ANJUGAM ... PETITIONER in WP No.32626 of 2017
V.JAYARAMAN ... PETITIONER in WP No.32627 of 2017
A.SURESH ... PETITIONER in WP No.32628 of 2017
P.ANBALAGAN ... PETITIONER in WP No.32629 of 2017
V.RAMAR ... PETITIONER in WP No.32630 of 2017
R.VEERAMANI ... PETITIONER in WP No.32631 of 2017
P.SIVALINGAM ... PETITIONER in WP No.32632 of 2017
S.BABU ... PETITIONER in WP No.32633 of 2017
P.ASOKAN ... PETITIONER in WP No.32634 of 2017
G.BALU ... PETITIONER in WP No.32635 of 2017

M.GUNA ... PETITIONER in WP No.32636 of 2017
G.MATHIYALAGAN ... PETITIONER in WP No.32637 of 2017
T.SOMASUNDARAM ... PETITIONER in WP No.32638 of 2017
K.NAGARAJAN ... PETITIONER in WP No.32821 of 2017
R.KAMALAKANNAN .. PETITIONER in WP No.32822 of 2017
R.NAGARAJAN ... PETITIONER in WP No.32823 of 2017
S.ANNAMALAISAMY... PETITIONER in WP No.32911 of 2017
P.KUMAR ... PETITIONER in WP No.32912 of 2017
P.MOHAIDEEN ABDUL KADER JAILANI
... PETITIONER in WP No.32913 of 2017
S.NAGARAJ ... PETITIONER in WP No.32914 of 2017
D.SIVAKUMAR ... PETITIONER in WP No.32915 of 2017
R.THIRUNAVUKKARASI-PETITIONER in WP No.32916 of 2017
S. GOMATHINAYAGAM PETITIONER in WP No.32917 of 2017
M.ARUNKUMAR ... PETITIONER in WP No.33088 of 2017
M.MURUGAKALA ... PETITIONER in WP No.33089 of 2017
M.AHILA MUTHU KUMAR - PETITIONER in WP No.33090/2017
K.KAYALVIZHI ... PETITIONER in WP No.33091 of 2017
M.PARAMESWARI ... PETITIONER in WP No.33092 of 2017
R.MARY JERO ... PETITIONER in WP No.33093 of 2017
T.KANNU PILLAI ... PETITIONER in WP No.33094 of 2017

- 1 U.NAGENTHIRAN
- 2 R.AYYALOO
- 3 K.R.BALAKRISHNAN
- 4 B.ANBUSELVI
- 5 S.ASOTHAI

6 S.KANAKARAJAN
7 M.SANTHANASEKAR
8 G.ARPUTHA GNANA RUKKUMANI
... PETITIONERS in WP No.33122/ 2017
T.AKILAN ... PETITIONER in WP No.33489 of 2017
M.SINGARAVEL ... PETITIONER in WP No.33490 of 2017
M.SHANMUGAM ... PETITIONER in WP No.33491 of 2017
K. SELVAMOHAN ... PETITIONER in WP No.34245 of 2017
P.SIVAN @ ARUMUGAM..PETITIONER in WP No.34253/2017
U.SHANMUGAVEL ... PETITIONER in WP No.34254 of 2017
S.SEENIVASAN ... PETITIONER in WP No.34255 of 2017
J.ELSEE THANGA BAI .PETITIONER in WP No.34256/2017
RAVICHANDRAN.M .. PETITIONER in WP No.34257 of 2017
S.PARAMASIVAN .. PETITIONER in WP No.34324 of 2017
M.NATARAJAN ... PETITIONER in WP No.34325 of 2017
A.ARUMUGASAMY ... PETITIONER in WP No.34326 of 2017
G.MUTHURAMALINGAM .. PETITIONER in WP No.34327/2017
B.SUNDARARAJU ... PETITIONER in WP No.1150 of 2018
P.SENTHILKUMAR ... PETITIONER in WP No.1151 of 2018
N.KALIMUTHU ... PETITIONER in WP No.3305 of 2018
N.PRIYA ... PETITIONER in WP No.3306 of 2018
S.THANGAVEL ... PETITIONER in WP No.3307 of 2018
M.RATHINAMBAL .. PETITIONER in WP No.3918 of 2018
C.BALA RAJASEKHAR . PETITIONER in WP No.3919 of 2018
A.RAJESHWARI .. PETITIONER in WP No.3920 of 2018
C.MURUGAN ... PETITIONER in WP No.5060 of 2018

N.MANI ... PETITIONER in WP No.5061 of 2018
A.BHEEMAN ... PETITIONER in WP No.5062 of 2018
M.MANOCHARAN ... PETITIONER in WP No.5063 of 2018
R.PREMA ... PETITIONER in WP No.5064 of 2018
K.AMUTHA ... PETITIONER in WP No.5065 of 2018
M.SIVAKUMAR ... PETITIONER in WP No.5338 of 2018
P.SUBRAMANIAN ... PETITIONER in WP No.5339 of 2018
D.PRABAKARAN ... PETITIONER in WP No.5340 of 2018
K.VELMURUGAN ... PETITIONER in WP No.5341 of 2018
1 K.MARIMUTHU
2 R.CHANDRAN
3 JOSEPH
4 K.RAMAKRISHNAN
5 L.ANANDHAARAJ
6 N.KANNAMMA
7 V.CHARIES
8 MRS.REVATHI
9 K.A.HARIDASS
10 O.BALA KRISHNAN
11 T.RAGUNATHAN
12 T.TEK BAHADUR
13 RANGARAJ
14 MARIYA PREKASAM
15 MRS.MALLIKA
16 N.KANNAMMAL ... PETITIONERS in WP No.6325/2018
-VS-

1 THE SECRETARY TO GOVERNMENT
MUNICIPAL
ADMINISTRATION &
WATER SUPPLY DEPARTMENT
FORT ST.GEORGE CHENNAI-09

..1st Respondents in

W.P.No.22741/2015, 2304/2016, 41637/2016, 31008/2017,
31526/2017, 31527 to 31532/2017, 32262 to 32271/2017, 32529
to 32531/2017 & 32642/2017, 32624 to 32638/2017, 32821
to 32823/2017, 33489 to 33491; 34245/2017, 1150/2018,
1151/2018, 5338 to 5341/2018, 6325/2018;

2 THE COMMISSIONER
ERODE CORPORATION ERODE.

..2nd Respondent in W.P.22741/2015;2304/2016.

3 THE DIRECTOR OF
LOCAL FUND AUDIT KURALAGAM CHENNAI-108.

..3rd Respondent in W.P.No.22741/2015.

1 THE STATE OF TAMILNADU
REP. BY ITS PRINCIPAL
SECRETARY TO
GOVERNMENT SOCIAL WELFARE
& NUTRITIOUS MEAL PROGRAMME
DEPARTMENT FORT ST. GEORGE
CHENNAI-9

..1st Respondent in W.P.No.6027/2015.

2 THE PRINCIPAL SECRETARY
TO GOVERNMENT FINANCE (PENSION) DEPT. FORT
ST. GEORGE CHENNAI-9

..2nd Respondent in W.P.No.6027/2015;

..1st Respondent in W.P.No.4003/2016.

3 THE PRIINCIPAL ACCOUNTANT
GENERAL (A & E) DEPARTMENT
NO.361 ANNA SALAI
CHENNAI-18

..3rd Respondent in W.P.No.6027/2015

..R5 in W.P.No.4003/2016.

4 THE COMMISSIONER OF
SOCIAL WELFARE CHEPAUK CHENNAI-5

..4th Respondent in W.P.No.6027/2015.

5 THE DIST. SOCIAL WELFARE
OFFICER NAMAKKAL NAMAKKAL DISTRICT

..5th Respondent in W.P.No.6027/2015.

THE SECRETARY TO GOVERNMENT
OF TAMIL NADU, FINANCE
DEPARTMENT(PENSION)
FORT ST. GEORGE. CHENNAI 9

1ST RESPONDENT in WP.13585/2015

THE ACCOUNTANT GENERAL
ANNA SALAI
CHENNAI - 600 015

.. 2ND RESPONDENT in WP.NO.13585/2015

3 THE ASSISTANT DIRECTOR
(PENSION) MUNICIPAL LOCAL
FUND AUDIT DIRECTORATE
KURALAGAM 4TH FLOOR
CHENNAI 600 108

..3RD RESPONDENT in WP.No.13585 of 2015

4 THE COMMISSIONER OF
MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT
CHEPAUK CHENNAI - 600 005

..4TH RESPONDENT in WP No.13585 of 2015

5 THE COMMISSIONER
SIRGAZHI MUNICIPALITY
SIRGAZHI

..5TH RESPONDENT in WP.No.13585 of 2015

1 The Home Secretary
Government of Tamil Nadu Fort St. George
Chennai-9.

..1st Respondent in W.P.No.5833/2016.

2 The Director General of Police
Chennai-4.

..2nd Respondent in W.P.No.5833/2016.

3 The Principal
Police Recruit School Vellore District

..3rd Respondent in W.P.No.5833/2016.

The Principal Secretary to
Government Health and Family Welfare
Department Secretariat Chennai-9.

..R2 in W.P.No.4003/2016.

Dr. M.G.R. Medical University
Rep. by its Registrar Guindy Chennai-32.

..R3 in W.P.No.4003/2016.

The Director General of Police
Head of Police Force Mylapore Chennai-4.

..R4 in W.P.No.4003/2016.

The Director of Town Panchayats
Kuralagam Buildings Chennai-108

..R1 in W.P.No.40736/2016.

..R2 in W.P.No.41637/2016.

The Executive Officer
Aravakurichi Town Panchayat Karur District

..R2 in W.P.No.40736/2016.

The Assistant Director of Town
Panchayat Sivaganga District

..R3 in W.P.No.41637/2016.

The Executive Officer
Kottaiyoor Town Panchayat Kottaiyoor
Sivaganga District

..R4 in W.P.No.41637/2016.

The Government of Tamilnadu
rep. by its Principal Secretary to
Government Rural Development & Panchayat
Raj Department Fort St. George Chennai-9

..R1 in W.P.No.30867/2017

The Commissioner of Rural
Development and Panchayat Raj Panagal
Building Jeenis Road Saidapet Chennai-15

..R2 in W.P.No.30867/2017

The Director of Local
Fund Audit Integrated complex of Finance
Department 4th Floor Nandanam Chennai-35

..R3 in W.P.No.30867/2017

Block Development Officer
Kuthalam Panchayat Union Kuthalam
Nagapattinam District

..R4 in W.P.No.30867/2017

The Director of Municipal
Administration Chepauk Chennai-05

..R2 in W.P.No.31008/2017,

31526/2017 to 31532/2017, 32262 to 32271/2017, 32529
to 32531/2017, 32642/2017, 32624 to 32638/2018, 32821
to 32823/2017, 33489 to 33491/2017, 34245/2017.

The Director of Local Fund
Audit Integrated Complex for Finance
Department Animal Husbandry Hospital Campus
Nandanam Chennai-35

..R3 in W.P.No.31008/2017, 31526/2017
to 31532/2017, 32262 to 32271/2017, 32529 to
32531/2017 & 32642/2017, 32624 to 32638/2017, 32821
to 32823/2017, 33489 to 33491/2017, 34245/2017,
1150,1151/2018, 5338 to 5341/2018.

The Commissioner
Edappadi Municipality Edappadi
Salem District ...R4 in W.P.No.31008/2017.

The Commissioner
Thiruchengode Municipality Thiruchengode
Namakkal District ..R4 in W.P.No.31526/2017 to
31532/2017, 32262 to 32271/2017.

The Commissioner
Rasipuram Municipality Rasipuram
Namakkal District ..R4 in W.P.No.32529 to 32532/2017 &
32642/2017, 33489 to 33491/2017.

The Commissioner
Villupuram Municipality Villupuram
..R4 in W.P.No.32624 to 32638/2017;
32821 to 32823/2017.

The State of Tamil Nadu
Rep by the Principal Secretary to Government
School Education Department Fort St.George
Chennai 600 009.

..1st Respondent in W.P.No.32911 to
32916/2017, 32917/2017, 33088 to 33094/2017,
33122/2017, 34253 to 34257/2017, 34324 to 34327/2017,
3305 to 3307/2018, 3918 to 3920/2018, 5060 to
5065/2018.

The Director of
Public Libraries Anna Salai Chennai
..2nd Respondent in W.P.32911 to
32916/2017, 32917/2017, 33088 to 33094/2017,
33122/2017, 34253 to 34257/2017, 34324 to
34327/2017, 3305 to 3307/2018, 3918 to 3920/2018,
5060 to 5065/2018.

The District
Library Officer Tirunelveli.

..3rd Respondent in W.P.No.32911 to
32916/2017, 32917/2017, 33088 to 33094/2017,
34253 to 34257/2017, 34324 to 34327/2017.

The Commissioner
Nellikuppam Municipality Nellikuppam
Cuddalore Dist

..4th Respondent in W.P.No.34245/2017.

The Commissioner
Tirupur City Municipal Corporation
Tirupur District.

..R2 in W.P. 1150, 1151/2018, 5338 to
5341/2018.

The District Library Officer
6th Floor Collectorate Compound Tiruppur

..R3 in W.P.No.3305/2018 to
3307/2018, 3918 to 3920/2018.

The District Library Officer
Collectorate Compound Nilgiris District

..R3 in W.P.No.5060 to 5065/2018.

The Commissioner
Coonoor Municipality Coonoor.

..R2 in W.P.No.6325/2018.

Prayer in WP No.22741 of 2015:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioners under the Tamilnadu Pension Rules 1978 (Old pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation.

WP No.6027 of 2015

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent issued in Letter NO.16036/SW-4(2)/2011-22 dated 28.7.2014 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 dt. 14.3.2013, quash the same in so far as the petitioner herein is concerned and consequently direct the respondents to count 50% of the temporary services rendered by the petitioner in child welfare officer along with the regular service rendered in the permanent post of Rural Welfare Officer (Women) for the determination of the pensionary benefit and retired benefit on reach in superannuation.

WP No.13585 of 2015

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the record of the 3rd respondent pertaining to the letter Mu.Mu.No.2184/Na.Vo.Sa5/2015 dated 27.02.2015 and quash the same and to direct the respondents to count the petitioners half of the past services rendered by him in the post of Village Headman from 05.05.1972 to 14.11.1980 (i.e., 4 years 3 months and 15 days) and to revise the pension and pensionary benefits along with arrears

WP No.13927 of 2015

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records of the 3rd respondent pertaining to the letter Mu.Mu.No. 3855/Na.O.Sa.5/2015 dated 27.02.2015 and quash the same and to direct the respondents to count the petitioner half of the past services rendered by him in the post of Village Karnam from 04.12.1975 to 14.11.1980 (i.e. 2 years 5 months and 20 days) and to revise the pension and pensionary benefits along with arrears

WP No.2304 of 2016:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the 1 to 2 respondents to count the 50% of daily wages / contingency services of the Petitioner prior to their regularization along with regular service for the purpose of calculating their pension and to pay consequential benefits to the petitioners if any

WP No.5833 of 2016:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceeding of the 1st respondent dt 17.5.2011 issued in his letter No. 65841/Police-15/2010-3 and quash the same in so far as the petitioner alone and consequently to direct the 1 to 3 respondents to count the 50% of daily wages/contingency services of the petitioner prior to their regularization along with regular service for the purpose of calculating pension along with all consequential benefits

WP No.40003 of 2016:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for records relating to impugned order passed by the 3rd respondent in Na.Ka.No.17828/ Admn 3(2)/2016, dated 26.06.2016 and quash the same in the light of order of Honourable High Court in

W.P.No.8205/2011 dated 19.04.2011 and further confirmed in WA Nos.27 and 28 of 2012 dated 13.02.2012 and order of Honourable High Court, Madras reported in 2012 (3) MLJ page 12 which was implemented by G.O.(1D) No.135, school Education Department, dated 04.04.2016 and in the light of ratio held in 2014 (6) MLJ page 316 and consequently direct the respondents herein to count 50% period of service as Balasevika later re-designed as Child Welfare Officer and Anganwadi Worker from 15.08.1972 to 22.05.2007 which period she was working on consolidated pay along with regular service as women rural welfare officer from 23.05.2007 to 30.04.2010 and to grant regular pension, gratuity encashment of Earned Leave and leave on Private officers and other terminal Benefits.

WP No.40736 of 2016:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the 1st respondent to consider the Petitioners representation dated 10.08.2016 and thereby to direct the 2nd respondent to bring the Petitioners under Old Pension scheme and to refund the subscription already made by the Petitioners towards the new Pension scheme in the light of the Judgment of the Honourable Division bench reported in 2014 (2) CTC 777 within the stipulated time

WP No.41637 of 2016

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records relating to the proceedings of the 2nd respondent dated 5.1.2016 issued in Na.Ka. No.11966/ 2015/A8 and the proceedings of the 3rd respondent dated 29.1.2016 issued in Na.Ka. No.0203/ 2016/D2 and quash the same and consequently to direct the respondents 1 to 4 respondents to bring the petitioner under regular time scale from the date of completion of his 1 year consolidated pay service and to bring the petitioner under regular pension scheme by counting held of the daily wages and Consolidated Pay service rendered by the petitioner prior to his regular time scale service and to grant all consequential service and monetary benefits

WP No.30867 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant pension and other terminal benefits to him by taking into account 50% of his past service from 1.8.1994 till 31.7.2004 together with the regular service from 1.8.2004 till 31.5.2013 as per the G.O.Ms. No.408 Finance (pension) Department dated 25.8.2009 and in the light of judgment in WP No.7217 of 2015 dated 2.8.2017

WP No.31008 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 02.12.1993 to 31.05.2006 along with his regular service from 01.06.2006

WP No.31526 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 30.9.1991 to 27.2.2006 along with his regular service from 28.2.2006

WP No.31527 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 17.8.1994 to 27.2.2006 along with his regular service from 28.2.2006

WP No.31528 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 01.09.1994 to 27.2.2006 along with his regular service from 28.2.2006

WP No.31529 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 10.02.1994 to 31.05.2006 along with his regular service from 01.06.2006

WP No.31530 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 09.02.1990 to 08.06.2006 along with his regular service from 09.06.2006

WP No.31531 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 27.02.1989 to 10.8.2006 along with his regular service from 11.08.2006

WP No.31532 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF (General Provident Fund Account) Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by him on daily wages from 22.12.1988 to 22.02.2006 along with his regular service from 23.2.2006

WP No.32262 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent 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 from 2.1.1992 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32263 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent 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 from 13.6.1990 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32264 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent 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 from 7.8.1989 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32265 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent 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 from 6.2.1986 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32266 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent 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 from 5.6.1993 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32267 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct 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 from 4.9.1991 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32268 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondent 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 from 4.6.1991 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32269 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondent 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 from 7.8.1991 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32270 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondent 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 from 10.4.1991 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32271 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondent 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 from 10.6.1993 to 27.2.2006 along with his regular service from 28.2.2006

WP No.32529 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 11.09.1991 to 27.02.2006 along with his regular service from 28.02.2006

WP No.32530 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 16.02.1990 to 09.10.2008 along with his regular service from 10.10.2008

WP No.32531 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 02.06.1994 to 31.05.2006 along with his regular service from 01.06.2006

WP No.32642 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 03.04.1996 to 21.09.2006 along with his regular service from 22.09.2006

WP No.32624 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 06.08.1996 to 17.05.2006 along with his regular service from 18.05.2006

WP No.32625 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 02.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32626 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 04.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32627 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 22.08.1996 to 27.05.2006 along with his regular service from 28.05.2006

WP No.32628 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 07.06.1995 to 27.06.2006 along with his regular service from 28.06.2006

WP No.32629 of 2017

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 01.03.1995 to 09.05.2006 along with his regular service from 10.05.2006

WP No.32630 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 01.10.1988 to 09.05.2006 along with his regular service from 10.05.2006

WP No.32631 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 01.06.1995 to 09.05.2006 along with his regular service from 10.05.2006

WP No.32632 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 16.08.1995 to 17.05.2006 along with his regular service from 18.05.2006

WP No.32633 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 06.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32634 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 01.08.1996 to 14.05.2006 along with his regular service from 15.05.2006

WP No.32635 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 03.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32636 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 16.12.1995 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32637 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 01.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32638 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 13.02.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.32821 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 10.08.1988 to 27.02.2006 along with his regular service from 28.02.2006

WP No.32822 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 15.08.1986 to 27.02.2006 along with his regular service from 28.02.2006

WP No.32823 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct 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 from 04.06.1990 to 23.03.2006 along with his regular service from 24.03.2006

WP No.32911 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32912 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 27.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32913 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 26.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32914 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 27.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32915 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 28.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32916 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to allot GPF 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 the petitioner in the post of Village Librarian from 28.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.32917 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the 1st and 2nd respondent to allot GPF 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 the petitioner in the post of Village Librarian from 24.07.1997 to 25.10.2006 along with his regular service in the post of Grade Ill Librarian from 26.10.2006

WP No.33088 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 26.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.33089 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 22.06.1999 to 26.10.2006 along with his regular service in the post of Grade III Librarian from 27.10.2006

WP No.33090 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 24.07.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.33091 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 30.07.2001 to 27.10.2006 along with his regular service in the post of Grade III Librarian from 28.10.2006

WP No.33092 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 18.05.1998 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.33093 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 08.04.1998 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.33094 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 & 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 24.09.1997 to 27.10.2006 along with his regular service in the post of Grade III Librarian from 28.10.2006

WP No.33122 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the Respondents to take into account of 50% of the consolidated pay service rendered by the respective Petitioners in the post of Village Librarian and add the same to the services rendered in the post of Grade-III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11(2) of the Tamil Nadu Pension Rules and pay pension and other terminal benefits to the respective petitioners at the time of retirement

WP No.33489 of 2017:

Direct 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 from 05.05.1988 to 21.09.2006 along with his regular service from 22.09.2006 as qualifying service

WP No.33490 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct 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 from 01.06.1991 to 22.02.2006 along with his regular service from 23.02.2006 as qualifying service

WP No.33491 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct 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 from 20.12.1987 to 22.02.2006 along with his regular service from 23.02.2006 as qualifying service

WP No.34245 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct 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 from 06.08.1996 to 18.05.2006 along with his regular service from 19.05.2006

WP No.34253 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 and 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.7.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34254 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 and 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.7.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34255 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 and 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.7.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34256 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 and 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.7.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34257 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 and 2 respondents to allot GPF 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 the petitioner in the post of Village Librarian from 25.7.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34324 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 15.9.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34325 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 9.9.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34326 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 15.9.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.34327 of 2017:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (old pension scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 10.9.1997 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.1150 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondents to allot GPF 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 from 20.07.1995 to 18.05.2006 along with his regular service from 18.05.2006

WP No.1151 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, To direct the respondents to allot GPF 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 from 09.02.1994 to 18.05.2006 along with his regular service from 18.05.2006

WP No.3305 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF 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 the petitioner in the post of part time Librarian, Double Part Time Librarian, Village Librarian from 22.02.1996 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006

WP No.3306 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF 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 the petitioner in the post of part time Librarian, Double Part Time Librarian, Village Librarian from 01.08.2001 to 10.12.2006 along with his regular service in the post of Grade III Librarian from 11.12.2006

WP No.3307 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF 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 the petitioner in the post of part time Librarian, Village Librarian from 01.11.1993 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.3918 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 27.07.2000 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.3919 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 08.06.1998 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.3920 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Direct the respondents to allot GPF Account Number for grant of pension to the petitioner under the Tamilnadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioner in the post of Village Librarian from 08.03.2000 to 25.10.2006 along with his regular service in the post of Grade III Librarian from 26.10.2006

WP No.5060 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 4.5.1990 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5061 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 1.9.1992 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5062 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 30.10.1990 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5063 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 31.12.1996 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5064 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 1.10.1995 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of

pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5065 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the consolidated pay service rendered by the petitioner from 10.8.1997 to 25.10.2006 in the post of Part Time Librarian and Village Librarian and add the same to the service rendered in the post of Grade III Librarian for the purpose of pension and other terminal benefits in the light of Rule 11 (2) of the Tamil Nadu Pension Rules, 1978 and to issue GPF Account Number to the petitioner under the Old Pension Scheme for pensionary benefits and pay pension and other terminal benefits at the time of retirement to the petitioner, award costs

WP No.5338 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot GPF 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 the petitioner from 25.10.1995 to 18.05.2006 as qualifying service and count the same along with his regular service from 18.05.2006

WP No.5339 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot GPF 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 the petitioner from 06.09.1995 to 18.05.2006 as qualifying service and count the same along with his regular service from 18.05.2006

WP No.5340 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to allot GPF 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 from 07.11.1990 to 18.05.2006 along with his regular service from 18.05.2006

WP No.5341 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot GPF 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 the petitioner from 01.06.1996 to 18.05.2006 as qualifying service and count the same along his regular service from 18.05.2006

WP No.6325 of 2018:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, Directing the respondents herein to grant pension to the petitioners under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their date of regularization, in the light of the judgment dated 02.08.2017 delivered by this Honourable Court in W.P.No.8629 of 2016.

Mr.Ravi Shanmugam for

M/s.R.Prem Narayan: Petitioners in

WP.No.22741/15,31008,31526 to
31532,32262 to 32271,32529 to
32531,32642, 32624 to 32638,
32911 to 32916, 32917, 33088 to
33094, 33489 to 33491, 34245,
34253 to 34257, 34324 to 34327,
32321 to 32323/17, 3305 to 3307,
3918 to 3920/18

M/S.Dakshayani Reddy: Petitioner in WP.No.6325/18

Mr.K.Shanmugam : Petitioner in WP.NO.40003/16

Mr.S.Mahesh : Petitioner in WP.NO.1150,1151,
5338 to 5341/2018, 30867/17.

Mr.Balan Haridass : Petitioner in WP.NO.5060 to
5065/2018

Mr.M.Ramdoss : Petitioner in W.P.No.6027/15

Mrs.G. Devi : Petitioner in W.P.No.13585,
13927/2015

Mr.P.I.Thirumoorthy : Petitioner in WP.No.2304,
5833,40736 & 41637/16

Mr.M. Purushothaman : Petitioner in WP.No.33122/2017

Mr. Vijay Narayanan,

Additional Advocate General

Assisted by Mr.V.Jayaprakash Narayanan, Spl.G.P

: For all the Respondents in W.P.Nos.
32624 to 32838, 32911 to 32916,
32917,33088 to 33094, 34253 to 34257,

34324 to 34327, 32821 to 32823,
33122/2017, 3305 to 3307, 3918 to
3920, 5060 to 5065, 6325/2018, 5833,
40736/2016 and
for R1 to R3 in WP.Nos.41637/2016,
30867, 31008, 31526 to 31532, 32262
to 32271, 32529 to 32531, 32642,
33489, 34245/2017 and
for R1 & R3 in W.P.NOs.22741/15,
1150, 5338/18 and
for R1 and R2 in WP.No.40003/2016 and
for R1 in W.P.2304/2016 and
for R1, R3 and R4 in W.P.Nos.13585 and
13927/15 and for R1, R2, R4 and R5 in
W.P.No.6027/15.

Mr.S.Silambanan, Sr.Counsel for
Ms.P.Shanthi : for R2 in W.P.Nos.1150,1151,
5338 to 5341/18

Mr.M.Rajamathivanan : for R2 in W.P.NOs.22741/2015
and 2304/2016

Mr.M. Elumalai : for R4 in WP.Nos. 31526 to
31532, 32262 to 32271, 32529 to
32531, 32642, 33489 to 33491/2017
and 41637/2016

Mr.V. Vijay Shankar :for R2 in W.P. 13585/2015.

Mr.R. Venkatesh :for R4 in W.P.40003/2016.

Mr.V. Murali : for R5 in W.P.No.40003/2016.

Mr.P. Sanjay Gandhi : for R4 in W.P. 31008/2017

Mr.S.N. Subramani :for R4 in W.P.34245/2017.

Ms.J. Sreevidya : for R3 in W.P.No.6027/2015.

Ms.T.S. Selvarani : for R2 in W.P. 13927/2015.

Mr.S. Parthiban : for R5 in W.P. 13585/2015.

No appearance : R3 in W.P. 40003/2016.
R4 in W.P. 30867/2017.
R5 in W.P. 13927/2015.

C O M M O N O R D E R

The Writ Petitions in W.P.No.22741/2015 etc. batch, having 107 Writ Petitions have been filed seeking a common relief for issuance of a Writ of Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioners under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation.

2. Mr.Ravi Shamugam, learned Counsel appearing for the petitioners in W.P.Nos.22741/2015 and 3305 to 3307/2018 submitted that the petitioners in that writ petitions were initially appointed in the Erode Municipality on daily wages on full time basis. After some time, Erode Municipality was upgraded into Erode Corporation. The Government also issued G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.2.2006 regularising the services of the consolidated pay employees and NMRs on daily wages w.e.f. the date of issue of that order. Based on the same, the Corporation issued Proceedings in Na.Ka.No.5737/06/E1, dated 22.5.2006, bringing the petitioners therein who were working on daily wage basis to temporary basis and they were also brought into the regular time scale of pay w.e.f. 22.5.2006. Later on, the petitioners made several representations to the respondents to allot them General Provident Fund Numbers and also to count 50% of their services rendered on daily wages basis or on a consolidated pay as qualifying service for calculating pension. But their services, which were rendered after 1.4.2003 alone, was regularised and they have not brought under the Old Pension Scheme. Further, the petitioners in these Writ Petitions are all the employees of the Erode Corporation, they are all governed by the Tamil Nadu Pension Rules, 1978. While so, as per Rule 11(2) of the Tamil Nadu Pension Rules, 1978, 50% of the service rendered on daily wage basis or on consolidated pay has to be counted for qualifying service for pension. Therefore, according to the learned Counsel for the petitioners, they are all entitled for pension under Old Pension Scheme by counting 50% of the services rendered by them on daily wage basis or on consolidated pay.

3. Mr.Ravi Shanmugam, learned Counsel for Mr.R.Prem Narayanan, learned Counsel for the petitioners in W.P.Nos.31526 to 31532/2017 submitted that the petitioners therein are now working as Field Assistants in Thiruchengode Municipality and they were initially appointed as NMR on daily wages on full time basis. While so, by virtue of G.O.Ms.No.21, Municipal Administration and Water Supply Department dated 23.2.2006, their services were regularised by the concerned Commissioner thereby bringing them into regular time scale of pay.

Thereafter, they were promoted as Field Assistants in the 4th respondent Municipality therein. When they made applications to allot them GPF Number for grant of pension under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation, they are all brought under CPF scheme i.e. New Pension Scheme simply for the reason that their services have been regularised only after the cut off date i.e. on 01.04.2003 which is against Rule 11 of the Tamil Nadu Pension Rules.

4. Mrs.Dakshayani Reddy, learned Counsel appearing for 16 petitioners in W.P.No.6325 of 2018 submitted that the petitioners therein were all initially appointed on Daily Wage Basis in Coonoor Municipality. While so, taking into account the fact that they were all working on daily wage basis for a long time, the 2nd respondent therein by Proceedings dated 03.05.2006 and 19.05.2006 regularised their services in which one R.Chandran and N.Kannammal already retired from service. The learned Counsel further submitted that now the Government has changed the pension policy and introduced a New Pension Scheme from 01.04.2003 called CPS. When Rule 11(2) of the Pension Rules is very clear that a person, who has rendered employment on daily wage basis or on consolidated pay is entitled to count 50% of the service rendered prior to the regularisation, the Government cannot implement the said Rule by fixing a cut off date, namely, as 1.4.2003. The learned Counsel further submitted that in any event, this issue has already been considered by this Court in P.Chinnaiyan's case. Hence, following the same, the present petitions have to be allowed.

5. Since the petitioners in all these writ petitioners were initially appointed on various departments on daily wage basis or on consolidated pay prior to 01.04.2003, it is claimed that they cannot be denied pension under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) and they are entitled for pension by counting 50% of the services rendered by them prior to their respective date of regularisation as qualifying service. But the respondents have rejected their case mainly on the ground that their services have been regularised after 1.4.2003. The said contention is not correct., because, the cut off date as fixed by the Government as on 1.4.2003 was already declared as illegal and arbitrary by this Court in the case of P.Chinnaiyan vs. State of Tamil Nadu rep. by its Secretary to Government, Forest and Environment (FR-2) Department, Chennai-9 and others reported in (2014) 6 MLJ 316. Therefore, according to the learned Counsel appearing for the respective petitioners, by virtue of the above judgment, the respondents cannot deny the claim of the petitioners to allot GPF Account Number for grant of pension under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation.

6. The learned Counsels appearing on behalf of the respective other Writ Petitioners adopting the arguments advanced by the learned Counsels for the petitioners cited above requested this Court to allow their Writ Petitions by issuing a direction to the respondents to allot GPF Account Number for grant of pension to the petitioners under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation.

7. Counter Affidavits have been filed in some of the Writ Petitions by the respondents denying the claim of the writ petitioners.

8. Mr.Vijay Narayan, learned Advocate General assisted by Mr.V.Jayaprakash Narayanan, Special Government Pleader appearing for the respondent State in all these Writ Petitions submitted that all the Writ Petitions are not maintainable either on law or on facts and they are all liable to be dismissed in limine since all the petitioners knew very well that they will not be brought under Old Pension Scheme because as per the Tamil Nadu Pension Rules, the employees whose services have been regularised after the cut off date i.e. 1.4.2003 will be treated as a new employment and their names will be enrolled only under the Contributory Pension Scheme (New Pension Scheme) by virtue of Rule 11(4) of the Tamil Nadu Pension Rules, 1978. Hence the claim of the petitioners cannot be considered. More over, all the petitioners do not have any legal right to seek Old Pension Scheme. Hence, the question of issuing Mandamus to allot GPF Account Number for grant of pension under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme) by counting 50% of the services rendered by them prior to their respective date of regularisation is against the said rule. The learned Advocate General further submitted that if the prayer of the petitioners is allowed, that will have huge impact on the State Exchequer since several hundreds of similarly placed persons will claim the said benefit. This will in turn seriously prejudice the administration and functioning of the Local Bodies which were committed to render service to the people. The learned Advocate General further referring to P.Chinnaiyan's case heavily contended that the said case cannot be applied to the petitioners herein.

9. Explaining further, why the judgment in P.Chinnaiyan's case cannot be applied, the learned Advocate General submitted that when the cut off date of absorption as 01.04.2003 has been prescribed in Rule 11(4) of the Tamil Nadu Pension Rules, 1978, making it clear that the services rendered in non-provincialised service, consolidated pay, honorarium or daily wage basis shall

be followed by absorption in regular service before 1st April 2003 without a break, without striking down the said cut off date i.e. 1.4.2003, the said judgment held that the cut off date of absorption as 1.4.2003 prescribed in Rule 11(4) shall be ignored. Therefore, the judgment in P.Chinnaiyan's case cannot be applied in the present cases, since the cut off date has not been struck off.

10. Let us see the reasons given in P.Chinnaiyan's case for allowing the said Writ Petition. The said case was filed against the denial of the respondents to grant pensionary benefits to the petitioner therein by taking into account the cut off date as 1.4.2003 for absorption and refusing to count half of the services rendered before absorption. In this regard, it is useful to extract Rules 11(2) and 11(4) of the Tamil Nadu Pension Rules, 1978 hereunder:

'Rule 11(2) and 11(4) of the Tamil Nadu Pension Rules:

11. Commencement of qualifying service-

(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:

(i) Service paid from contingencies shall be in a job involving whole time employment and not part-time for a portion of the day.

(ii) Service paid from contingencies shall be in a type of work or job for which regular posts could have been sanctioned, for example Chowkidar.

(iii) 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.

(iv) Service paid from contingencies shall be continuous and followed by absorption in regular employment without a break.

(v) 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 authentic records of service may be available.

(vi) Pension or revised pension admissible as the case shall be paid from the 23rd June, 1988.'

11. Commencement of qualifying service-

(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on

or after 1st January, 1961 in respect of Government Employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

(i) Service rendered in non-Provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly basis and subsequently absorbed in regular service under the State Government;

(iii) 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.

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.''

11. A reading of Rule 11(2) shows that all the employees, who are in non-provincialized service, on consolidated pay/honorarium/daily wages basis, are paid only from contingencies and the said Rule 11(2) makes it very clear that an employee is entitled to count half of the service rendered by him for the purpose of pension along with the regularised service and the service paid from contingencies shall be continuous and followed by absorption in regular employment without any break. While so, a reading of Rule 11(4) says that half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January, 1961 in respect of Government Employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service subject to three conditions, namely, 1) the service rendered on daily wages basis shall be in a job involving whole time employment, 2) Service rendered on consolidated pay, honorarium or daily wages paid on monthly basis and subsequently absorbed in regular service and 3) Such service shall be followed by absorption in regular service before 1st April, 2003

without a break.

12. This rule is applicable to all the employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January, 1961 and absorbed in regular service before 1st April 2003. The service of any employee is regularised after 01.04.2003, as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978, such employee is not entitled to get the benefit of counting half of the service rendered in daily wage basis along with regular service. The decision in P.Chinnaiyan's case says that the crucial date i.e. on 01.04.2003 has been chosen since a New Pension Scheme was introduced for those employees who entered into Government Service after 01.04.2003. Hence the Tamil Nadu Pension Rules, 1978 are not applicable to the persons who were recruited after 01.04.2003. Fixing the crucial date as 01.04.2003 makes a difference between Rule 11(2) and Rule 11(4) of the Tamil Nadu Pension Rules because one should have been absorbed in regular service before 01.04.2003 for the benefits of Rules 11(2) and Rule 11(4) of the Tamil Nadu Pension Rules, 1978.

13. After comparing the hardships faced by the employees who entered into service after 01.04.2003 and those who were appointed prior to 01.04.2003, but, given the benefit of regularisation after 01.04.2003, the Government came to the conclusion that the persons who are freshly recruited after 01.04.2003 into the Government Service are governed by the New Pension Scheme and the persons who are absorbed after 01.04.2003 are not extended the benefit of New Pension Scheme and held that the action of the department in denying to count the half of the long service rendered by the employees before their absorption into regular service who are not fresh recruiters, but absorbed into regular service after 01.04.2003, as per Rule 11(4) of the Tamil Nadu Pension Rules has no rationale basis. Hence, the State cannot deny the benefit of the Tamil Nadu Pension Rules based on the date of absorption, particularly, for the employees like the petitioners herein, who had rendered more than 2 or 3 decades of service before absorption.

14. I also fully agree with the ratio laid down by this Court in P.Chinnaiyan's case and being bound by the same, this Court finds no difficulty to follow the same. Further, in appeal, the decisions of the Single Judge in similar circumstances have been upheld by the two Division Benches of Madurai Bench of this Court in the Writ Appeals in W.A.(MD) No.760/2013 dated 09.09.2015 (The Director, Local Fund Audit, Chennai-106 and 2 others vs. A.R.D.Nayagam) and in W.A.(MD) No.1026/2015 dated 30.09.2015 (The State of Tamil Nadu rep. By its Secretary, Department of Municipal and Water Supply Department, Fort St. George, Chennai-9 and 5 others vs.

R.Kesavan). Further, when an identical prayer was made to count half of the service rendered by the petitioner therein as Plot Watcher on daily wage basis along with regular service rendered by him in W.P. (MD) No.15903 of 2012 (M.Nagasamy vs. The Government of Tamil Nadu rep. by Secretary to the Government, Forest and Environment Department, Fort St. George, Chennai-9 and 3 others) by order dated 28.06.2016, after referring to the cut off date of 1.4.2003 fixed in the proviso to Rule 11(4), this Court has categorically held that the benefits given under Rule 11(2) of the Tamil Nadu Pension Rules, cannot be deprived of and take away by Rule 11(4) of the Tamil Nadu Pension Rules, 1978.

15. This has also been again followed by another Division Bench in W.A.No.(MD) No.51/2018 and etc. batch dated 27.3.2018 by which all the Writ Appeals and Writ Petitions are allowed and the respondents therein are directed to verify the service particulars of all the writ petitioners and count 50% of the services rendered by them on temporary basis and consequently, refix their pension within a period of four months from the date of receipt of a copy of that judgment/order.

16. While considering the similar and identical issue in W.P.Nos.2205 to 2209/2018 seeking Mandamus, directing the respondents to allot GPF Account Number for grant of pension to the petitioners under the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting 50% of the services rendered by the petitioners in the post of Part Time Librarian, Double Part Time Librarian, Village Librarian from 02.01.1991 to 10.12.2006 along with their regular service in the post of Grade III Librarian from 11.12.2006, following the orders passed by this Court in W.P.Nos.272 of 2008 and 14416 of 2007 and 23.2.2011 and 9.4.2011 respectively to the effect that 50% of the past service in the post of Vocational Instructor along with the regular service has to be calculated for the purpose of pensionary benefits, directed the respondents therein to count 50% of the part-time service rendered by the petitioners along with the regular service for the purpose of pensionary benefits and allowed the said Writ Petitions by order dated 12.2.2018. Therefore, I have no impediment to allow these Writ Petitions.

17. A Division Bench of this Court in Union of India rep. by the Secretary, Atomic Energy Commission, Ministry of Atomic Energy, Trombay, Anushakthi Bhavan, C.S.M.Marg, Mumbai-1 and another reported in 2014(2) CTC 777 after referring to Rule 14 of CCS (Pension) Rules, 1972, has also held that the persons appointed as contingent staff either on temporary basis or on daily wage basis, who served not as a part timer and received salary every month are entitled to count 50% of their service for pension on their regularisation/absorption in regular

establishment. It is pertinent to extract the relevant portion hereunder :

''...Thus, it is clear that persons appointed as contingent staff either on temporary basis or on daily wage basis, who served not as a part timer and received salary every month are entitled to count 50% of their service for pension on their regularisation/absorption in regular establishment. The New Pension Scheme, which is called Contribution Pension Scheme, came into force from 1.1.2004 and the same is applicable to all new entrants of Central Government Service as per the Scheme, and the respondents 1 to 16 cannot be treated as new entrants in the Central Government Service/IGCAR.

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 1.1.2004, 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 1.1.2004.

18. Similar issue was considered by one of us (N.P.V.,J.) in W.P.Nos.26933 & 26934 of 2007, Order dated 23.4.2008....''

Mere perusal of the above judgment clearly tells me that the issue of counting 50% of the temporary services along with the regular services has already been decided by this Court in respect of various departments, like, Education Department, Forest Department and various Municipalities holding that a person already in service either as contingent staff or temporary staff continuously and absorbed in permanent establishment on or after 1.1.2004, cannot be termed as 'new entrant' into service and that 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 1.1.2004. Since Article 14 and 16 of the Constitution of India cannot be violated, the respondent State has to accept and respect the decisions of the learned Single Judge and also the Division Bench mentioned above without wasting the valuable time and money of the department by filing intra court appeals.

18. In this context, it is relevant to extract paragraph 20 of the Judgment of the Apex Court in Maharaj Krishnan Bhatt and another vs. State of Jammu and Kashmir and others reported in (2008) 9 Supreme Court Cases 24 hereunder:

''20. In our considered opinion, in the light of the facts and circumstances, the Government ought to

have accepted and respected the decision of the learned Single Judge without filing intra-court appeal. No distinguishing feature has been brought to the notice of the Division Bench, nor the Division Bench set aside the judgment and order passed by the learned Single Judge holding or observing that though Abdul Rashid Rather was granted the benefit and the learned Single Judge ordered extension of those benefits to the writ petitioners, they were not entitled because the case of Abdul Rashid Rather was different. Even before us, nothing special or extraordinary fact or circumstance was shown to distinguish the case of Abdul Rashid Rather and of the present appellants. In our opinion, therefore, the learned Single Judge was wholly justified in allowing the writ petition and the Division Bench ought not to have interfered with the said decision.''

19. A close reading of the above judgment categorically shows that the issue raised in the present writ petitions is no longer res integra, since it has been repeatedly considered and decided by this Court in more than one judgment that 50% of the past service rendered in non-provincialised service, consolidated pay, honorarium, daily wage basis has to be counted along with the regularised service for the purpose of pension in respect of the employees who have retired in various departments viz., Education, Forest, Municipalities etc. Hence, this Court has no hesitation to allow all the writ petitions.

20. In the result, all the Writ Petitions are bound to be allowed. Accordingly, they are all allowed and the respondents are directed to count 50% of the petitioners services rendered on daily wage basis along with their regular service and to allot GPF Account Number for grant of pension to the petitioners under the Tamil Nadu Pension Rules 1978 (Old Pension Scheme). The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

tsi

To

- 1 THE SECRETARY TO GOVERNMENT
MUNICIPAL
ADMINISTRATION &
WATER SUPPLY DEPARTMENT
FORT ST.GEORGE CHENNAI-09
- 2 THE COMMISSIONER
ERODE CORPORATION ERODE.
- 3 THE DIRECTOR OF
LOCAL FUND AUDIT KURALAGAM CHENNAI-108.
- 4 THE PRINCIPAL SECRETARY
TO GOVERNMENT,
GOVT OF TAMILNADU ,
SOCIAL WELFARE
& NUTRICIOUS MEAL PROGRAMME
DEPARTMENT FORT ST. GEORGE
CHENNAI-9
- 5 THE PRINCIPAL SECRETARY
TO GOVERNMENT FINANCE (PENSION) DEPT.
FORT ST. GEORGE,
CHENNAI-9
- 6 THE PRIINCIPAL ACCOUNTANT
GENERAL (A & E) DEPARTMENT
NO.361, ANNA SALAI
CHENNAI-18
- 7 THE COMMISSIONER OF
SOCIAL WELFARE
CHEPAUK, CHENNAI-5
- 8 THE DIST. SOCIAL WELFARE
OFFICER,
NAMAKKAL,
NAMAKKAL DISTRICT
- 9 THE SECRETARY TO GOVERNMENT
OF TAMIL NADU, FINANCE
DEPARTMENT (PENSION)
FORT ST. GEORGE. CHENNAI 9

- 10 THE ACCOUNTANT GENERAL
NO.361 ANNA SALAI
CHENNAI - 600 015
- 11 THE ASSISTANT DIRECTOR
(PENSION) MUNICIPAL LOCAL
FUND AUDIT DIRECTORATE,
KURALAGAM, 4TH FLOOR
CHENNAI 600 108
- 12 THE COMMISSIONER OF
MUNICIPAL ADMINISTRATION
AND WATER SUPPLY DEPARTMENT
CHEPAUK CHENNAI - 600 005
- 13 THE COMMISSIONER
SIRGAZHI MUNICIPALITY
SIRGAZHI
- 14 THE HOME SECRETARY
GOVERNMENT OF TAMIL NADU
FORT ST. GEORGE
CHENNAI-9.
- 15 THE DIRECTOR GENERAL OF POLICE
CHENNAI-4.
- 16 THE PRINCIPAL
POLICE RECRUIT SCHOOL
VELLORE DISTRICT.
- 17 THE PRINCIPAL SECRETARY
TO GOVT. OF TAMIL NADU
SOCIAL WELFARE
DEPARTMENT,
SECRETARIAT,
CHENNAI-600 009.
- 18 THE COMMISSION OF SOCIAL
WELFARE, GUINDY,
CHENNAI-600 032.
- 19 THE BLOCK DEVELOPMENT OFFICER
THRUVIDAIMARUDUR,
THANJAVUR DISTRICT.

- 20 THE DIRECTOR OF TOWN
PANCHAYATS KURALAGAM
BUILDINGS CHENNAI-108
- 21 THE EXECUTIVE OFFICER
ARAVAKURICHI TOWN PANCHAYAT
KARUR DISTRICT
- 22 THE ASSISTANT DIRECTOR
OF TOWN PANCHAYAT
SIVAGANGA DISTRICT
- 23 THE EXECUTIVE OFFICER
KOTTAIYOOR TOWN PANCHAYAT
KOTTAIYOOR
SIVAGANGA DISTRICT
- 24 THE PRINCIPAL SECRETARY
TO GOVERNMENT OF TAMIL NADU
RURAL DEVELOPMENT & PANCHAYAT
RAJ DEPARTMENT
FORT ST. GEORGE CHENNAI-9
- 25 THE COMMISSIONER OF RURAL
DEVELOPMENT AND PANCHAYAT RAJ,
PANAGAL BUILDING,
JEENIS ROAD, SAIDAPET,
CHENNAI-15
- 26 THE DIRECTOR OF LOCAL
FUND AUDIT,
INTEGRATED COMPLEX
OF FINANCE DEPARTMENT
4TH FLOOR NANDANAM CHENNAI-35
- 27 BLOCK DEVELOPMENT OFFICER
KUTHALAM PANCHAYAT UNION KUTHALAM
NAGAPATTINAM DISTRICT
- 28 THE DIRECTOR OF MUNICIPAL
ADMINISTRATION
CHEPAUK, CHENNAI 5

- 29 THE DIRECTOR OF LOCAL FUND
AUDIT, INTEGRATED COMPLEX
FOR FINANCE DEPARTMENT
ANIMAL HUSBANDRY HOSPITAL CAMPUS
NANDANAM , CHENNAI-35
30. THE COMMISSIONER
EDAPPADI MUNICIPALITY EDAPPADI SALEM
DISTRICT
31. THE COMMISSIONER
THIRUCHENGODE MUNICIPALITY THIRUCHENGODE
NAMAKKAL DISTRICT
32. THE COMMISSIONER
RASIPURAM MUNICIPALITY RASIPURAM
NAMAKKAL DISTRICT
33. THE COMMISSIONER
VILLUPURAM MUNICIPALITY
VILLUPURAM
34. THE PRINCIPAL SECRETARY TO GOVERNMENT
SCHOOL EDUCATION DEPARTMENT
FORT. ST. GEORGE
CHENNAI
35. THE DIRECTOR OF PUBLIC LIBRARIES
ANNA SALAI.
36. THE DISTRICT LIBRARY OFFICER
TIRUNELVELI.
37. THE COMMISSIONER
NELLIKUPPAM MUNICIPALITY
NELLIKUPPAM, CUDDALORE DISTRICT.
38. THE COMMISSIONER
THIRUPPUR CITY MUNICIPAL CORPORATION
THIRUPPUR DISTRICT.
39. THE DISTRICT LIBRARY OFFICER
6TH FLOOR, COLLECTORATE COMPOUND
THIRUPPUR.
40. THE DISTRICT LIBRARY OFFICER
COLLECTORATE COMPOUND
NILGIRIS DISTRICT.

41. THE COMMISSIONER
COONOR MUNICIPALITY
COONOR.

CC details
+1 cc to Mr./Ms. M.RAJAMATHIVANAN, Advocate, SR.No.34812
+1 cc to Mr./Ms. DAKSHAYENI REDDY, Advocate, SR.No.34904
+3 cc to Mr./Ms. R.PREMVARAYANAN, Advocate, SR.No.34953
+1 cc to Mr./Ms. V.MURALI, Advocate, SR.No.35205
+1 cc to Mr./Ms. M.RAMDOSS, Advocate, SR.No.35949
+1 cc to Mr./Ms. V.RAGHUPATHI, Advocate, SR.No.35196
+1 cc to Mr./Ms. V.VIJAYSHANKAR, Advocate, SR.No.35268
+1 cc to Mr./Ms. V.RAGHUPATHI, Advocate, SR.No.35195
+1 cc to Mr./Ms. M.RAJAMATHIVANAN, Advocate, SR.No.34811
+4 cc to Mr./Ms. P.I.THIRUMOORTHY, Advocate, SR.No.35259
+1 cc to Mr./Ms. K.SHANMUGAM, Advocate, SR.No.35386
+1 cc to Mr./Ms. S.MAHESH, Advocate, SR.No.35267
+1 cc to Mr./Ms. V.JAYAPRAKASH NARAYANAN, Advocate, SR.No.35276
+3 cc to Mr./Ms. M.PURUSHOTHAMAN, Advocate, SR.No.34833
+1 cc to Mr./Ms. S.N.SUBRAMANI, Advocate, SR.No.35952
+6 cc to Mr./Ms. J.RAMKUMAR, Advocate, SR.No.35425
+1 cc to Mr./Ms. GP, SR.No.35816

सत्यमेव जयते

WEB COPY

W.P.No.22741/2015 etc. batch

NRL (CO)
SP (26/06/2018)