



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

**W.P(MD)NO.7289 of 2011**

Vimala Daisy

:Petitioner

.vs.

- 1.The Government of Tamil Nadu,  
represented by its Principal Secretary,  
Department of School Education,  
Fort St.George,  
Chennai.
- 2.The Principal Secretary,  
Social Welfare and Nutritious Meal Programme,  
Fort St.George,  
Chennai.
- 3.The Director of School Education,  
College Road,  
Nungambakkam,  
Chennai - 600 006.
- 4.The Chief Educational Officer,  
Ooty.
- 5.The Headmaster,  
Government Higher Secondary School,  
Nelakkottai,  
Nilgiris District.
- 6.The Principal Accountants General,  
(Accounts and Entitlement),  
Tamil Nadu,  
No.361, Anna Salai,  
Chennai - 600 018.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings of the sixth respondent in PENSION;10/1/SUP/11001654/09-10/ADK, dated 15.3.2010 and to quash the same and direct the sixth respondent to fix the pension taking into account the petitioner's 50% service in Noon Meal Scheme and



her entire service as B.T Assistant and to pay pension and other terminal benefits.

For Petitioner

:Mr.M.Saravanan

For Respondents  
1 to 5

:Mr.J.GunaseelanMuthiah

For Respondent-6

:Mr.P.Gunasekaran

### ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to quash the impugned of sixth respondent, dated 15.3.2010 and to direct the sixth respondent to fix the pension taking into account the petitioner's 50% service in Noon Meal Scheme and her entire service as B.T Assistant and to pay pension and other terminal benefits.

2.The case of the Petitioner is that She was appointed as Children Welfare Organizer in Melpuram Panchayat Union, Vilavancode Taluk, Kanyakumari District and worked there till 30.5.2007. Thereafter the Petitioner applied for Special Test conducted by the Teachers Recruitment Board for absorbing the employees of Noon Meal Scheme and having passed the said test, the Petitioner was appointed as B.T.Assistant(History) in Government Higher Secondary School, Nelakkottai, Nilgiris District and retired from service on 30.10.2008 on attaining the age of superannuation As per G.O.Ms.No.6, dated 6.1.2010, 5% of the service rendered as Noon Meal Scheme will have to be taken into account for the purpose of fixation of pension. The Petitioner has submitted an application for pension and gratuity with all necessary enclosures on 22.1.2010 and the sixth respondent has rejected the same on 15.3.2010 stating that the Noon Meal Services will not come under the Tamil Nadu Pension Rules and they will not be taken into account for pensionary benefits.

3.Challenging the above said order, the Petitioner has filed the above Writ Petition for the relief stated supra.

4.A counter affidavit has been filed by the fourth respondent narrating the appointment and all other averments made in the Writ Petition and the pension proposal sent to the respondent concerned and the rejection made by the respondent concerned with an endorsement that they are awaiting orders from the Government for the purpose of pension in respect of Noon Meal Organizers and prayed for dismissal of the Writ Petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



6.From the perusal of the records, it is seen that the subject-matter issue is covered by the decision of the Larger Bench of this Court made in W.A(MD)Nos.158 of 2016 and batch of cases, dated 3.12.2019, wherein, it has been the Government employees/servants who had rendered their service in non provincialised service or on consolidated pay or honorarium or daily wages who were absorbed after 1.4.2003 will not be entitled counter half of their past service for the purpose of determination of qualifying service for pension.

7.Considering the above-stated legal position pronounced by the Larger Bench of this Court, the Petitioner is not entitled for the relief as sought for in the Writ Petition and accordingly, the Writ Petition fails.

8.In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

- 1.The Principal Secretary,  
Government of Tamil Nadu,  
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- 2.The Principal Secretary,  
Social Welfare and Nutritious Meal Programme,  
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+2 CC to Mr.R.SUBRAMANIAN, Advocate ( SR-11743[F] dated 16/03/2020 )

+1 CC to Mr.P.GUNASEKARAN, Advocate ( SR-11939[F] dated 16/03/2020 )

**ORDER MADE IN**  
**W.P(MD) NO.7289 of 2011**  
**13.03.2020**

VB(08.05.2020) 4P 10C