



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)Nos. 16225 & 16226 of 2014

WEB COPY

R. Gandhi ... Petitioner in WP(MD) No.16225 of 2014.
K. Paramaraj ... Petitioner in WP(MD) No.16226 of 2014.

Vs.

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariate, Chennai - 620 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 625 005.
3. The Municipal Commissioner,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District. ... Respondents in both Wps.

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a ***Writ of Mandamus***, directing the third respondent to count 50% of the petitioners' temporary service from 03.11.1998 till 28.03.2006 and 21.08.1989 till 28.03.2006, respectively, along with the petitioners' regular service for pension and other retirement benefits as per Rule 11(2) of Tamil Nadu Pension Rules 1978 based on the representations of the petitioners dated 21.07.2014.

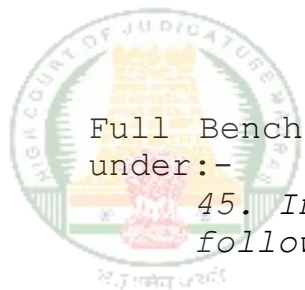
In both WPs.

For Petitioner	: Mr.L.George Paul Anto
For R-1 & R-2	: Mr.V. Anand Government Advocate
For R-3	: Mr.P. Srinivas

COMMON ORDER

The relief sought for in the present writ petitions is to direct the third respondent to count 50% of the petitioners' temporary service from 03.11.1988 to 28.03.2006 and 21.08.1989 to 28.03.2006, respectively, along with the petitioner's regular service for pension and other retirement benefits as per Rule 11(2) of Tamil Nadu Pension Rules, 1978.

2.Regarding the counting of the temporary services as qualifying services for the purpose of grant of pensionary and terminal benefits, the Hon'ble Full Bench of this Court delivered a judgment on 03.12.2019 in W.A.No.158 of 2016 etc. batch, the Hon'ble



Full Bench settled the principles in paragraph 45, which reads as under:-

45. In the light of the above, we answer the reference as follows:-

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003

(ii) Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension."

3.The case of the writ petitioners is to be considered with reference to the principles laid down in the Hon'ble Full Bench judgment as cited *supra*.

4.With these observations, the writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

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Sub Assistant Registrar (CS)



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To

1. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariate, Chennai - 620 009.
2. The Commissioner of Municipal Administration,
Chepauk, Chennai - 625 005.
3. The Municipal Commissioner,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

+1 CC to SPL GP (SR-22048[F] dated 18/11/2020)

Common Order in
W.P[MD)]Nos. 16225 & 16226 of 2014
11.11.2020

VB (30.11.2020) 3P 5C