



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.19542 of 2014

and

W.P.(MD)No.21624 of 2015

and

WMP(MD)No.4778 of 2016

in

WP(MD) .No.21624 of 2015

1.Sinthayee ... Petitioner in WP.19542 / 2014

2.Mariammal ... Petitioner in WP.21624 / 2015

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government
Agriculture Department,
Fort St.Geroge,
Chennai - 9.

2.The Tamil Nadu Agricultural University,
Rep.by its Registrar,
Coimbatore - 3.

3.The Agricultural College and
Research Institute,
Madurai - 625 104 ... Respondents in both WPs

PRAYER IN WP.19542 OF 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the petitioner's service from 01.07.1972 to 30.12.2013 as per G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 along with her regular service and to pay her pension with effect from 01.07.2014 with arrears and all other consequential attendant benefits together with suitable rate of interest payable from 01.07.2014 to till the date of actual payment.

PRAYER IN WP.21624 OF 2015: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the petitioner's service from 01.04.1983 to 30.06.2014 as per Rule 11(2) of Tamil Nadu Pension Rules along with regular service and to pay her pension with effect from 01.07.2014 with arrears and all other consequential attendant benefits together with suitable rate of interest payable from 01.07.2014 till the date of actual payment.



For Petitioners : Mr.A.Rahul
(in both Wps.)
For Respondent-1 : Mr.C.M.Marichelliah Prabhu
(in both Wps.) Additional Government Pleader
For Respondents : Mr.A.Thirumurthy
(in both Wps.)
(R2 & R3)

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COMMON ORDER

The claim of the Writ Petitioners is to count 50% of the temporary services of the Writ Petitioners rendered in the respondent with reference to Rule 11(2) of the Tamil Nadu Pension Rules 1978.

2. The Hon'ble Full Bench of this Court settled the legal principles for the purpose of counting of 50% of the services rendered by the employees with reference to Rule 11(4) of the Tamil Nadu Pension Rules. The Hon'ble Full Bench in the case of Government of **Tamil Nadu Vs. R.Kaliyamoorthy** decided on 03.12.2019 passed orders in para 45, which is extracted hereunder:

" 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 W.A.No.158 of 2016 etc., batch 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 W.A.No.158 of 2016 etc., batch 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. Thus, the case of the writ petitioners are to be considered with reference to the principles settled by the Hon'ble Full Bench of this Court, as stated above. The service records of the writ petitioners are to be verified and if they are otherwise eligible in accordance with the Rules as well as the principles settled by the Court, the claim of the petitioners is to be considered.

4. With these observations, the writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Secretary to Government
The State of Tamil Nadu,
Agriculture Department,
Fort St.Geroge, Chennai - 9.

2.The Registrar,
The Tamil Nadu Agricultural University,
Coimbatore - 3.

3.The Agricultural College and
Research Institute,
Madurai - 625 104.

+1 CC to Mr.T.SAKTHIKUMARAN (SR-25957 dated 17.12.2020)

+1 CC to M/s.SPL GP (SR-25761[F],25768 dated 16/12/2020)

W.P. (MD)No.19542 of 2014and

W.P. (MD)No.21624 of 2015

15.12.2020

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KB(23.12.2020) 3P 6C

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