



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2020

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THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.4547 of 2014

and

M.P.(MD)No.1 of 2015

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P.Arumaganainar

...Petitioner

Vs.

1.The Government of Tamil Nadu

Rep. by Secretary to Government,
Finance (Pension) Department,
Fort St. George,
Chennai - 9.

2.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.

3.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai.

4.The Director
Audit Accounts Department (Local Body)
Kuralagam, 4th Floor,
Chennai - 600 108.

5.The Executive Officer,
Selection Grade Town Panchayat,
Tiruchendur - 628 215,
Thoothukudi District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent herein in his proceedings in Na.Ka.No.47549/PE.O.SA(2) /2013 dated 24.12.2013 and to quash the same and further direct fourth respondent to count the half of the service rendered by the petitioner as a Bull Attender from 01.01.1984 to 14.12.2009 along with the regular service as sweeper from 14.12.2009 to 31.5.2013 as a qualifying service and send the revised pension proposal to the second respondent and to further direct the second respondent to sanction the eligible pension and all other terminal benefits to the petitioner.

For Petitioner

: Mr.G.Chandrasekar



For R-1, R-3 to R-5 : Mr.S.Dhayalan,
Government Advocate

For R-2 : Mr.P.Gunasekaran

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The relief sought for in the writ petition is to revise the pension by calculating the qualifying service from the date of appointment on 24.10.1968.

2.The writ petitioner was appointed on temporary basis and the services of the writ petitioner was regularised with effect from 14.12.2009. The writ petitioner retired from service on 31.05.2013. When the services of the writ petitioner was regularised with effect from 14.12.2009, the pensionary benefits are to be settled from the date of permanent appointment. The counting of the past services and the benefits to be conferred to the retired employees are now decided by the Full Bench of the High Court of Madras in W.A.(MD) No.158 of 2016 etc., Batch dated 03.12.2019. The Full Bench answered the references as 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 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."

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3. In view of the Full Bench Judgment, the writ petitioner who was regularised with effect from 14.12.2009, is not entitled for the benefits as such claimed in the present writ petition.

4. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Government of Tamil Nadu
Rep. by Secretary to Government,
Finance (Pension) Department, Fort St. George, Chennai - 9.
 - 2.The Principal Accountant General,
The Principal Accountant General of Tamil Nadu,
Teynampet, Chennai-18.
 - 3.The Director, Directorate of Town Panchayat,
Kuralagam, Chennai.
 - 4.The Director, Audit Accounts Department (Local Body)
Kuralagam, 4th Floor, Chennai - 600 108.
 - 5.The Executive Officer, Selection Grade Town Panchayat,
Tiruchendur - 628 215, Thoothukudi District.
- +1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-20139[F] dated 15/10/2020)

W.P. (MD) No.4547 of 2014
13.10.2020

AP(29.10.2020) 3P 7C