



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 15.12.2020**

**CORAM:**

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

**W.P. (MD)No.22467 of 2015**

**and**

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

K.Kandasamy

... Petitioner

Vs.

1.The Internal Audit Officer,  
Audit Branch 1<sup>st</sup> Floor,  
NPKRR Maligai,  
800, Anna Salai,  
Chennai-600 002.

2.The Chief Engineer,  
Tamil Nadu Generation and  
Distribution Corporation Limited,  
Madurai.

3.The Superintending Engineer,  
Tamil Nadu Generation and Distribution  
Corporation Limited,  
Ramanathapuram Division,  
Ramanathapuram.

... Respondents

**PRAYER:** Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 3<sup>rd</sup> respondent in letter No.0499/Vu Ni A/Ni.Pi.2/Vu.2 Ko.Retirement Pa.Pa./2014, dated 16.06.2014 and quash the same and consequently, direct the respondents 2 and 3 to compute the petitioner's 50% NMR service period with the petitioner's regular service period for calculating the full pension period by endorsing the same in his service register consequently to made suitable recommendation to the 1<sup>st</sup> respondent to sanction the full pension along with the arrears from the date of his retirement from 31.03.1993 as per the Board proceedings (Per) FB TANGEDCO Proceedings No.31/Dated 08.09.2011 within the period stipulated by this Court.



For Petitioner : Mr.A.Haja Mohideen  
For Respondents : Mr.T.Sakthi Kumaran  
Standing Counsel

WEB COPY

**ORDER**

The relief sought for in the present writ petition is to count 50% earlier service rendered by the writ petitioner.

2.The Hon'ble Full Bench of this Court settled the legal principles with reference to the amended rule 11(4) of the Tamil Pension Rules, in the case of **GOVERNMENT OF TAMILNADU VS. KALIYAMOORTHY** reported in **2020(2)MLJ 369**. The relevant paragraph is extracted hereunder:

"5. 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.

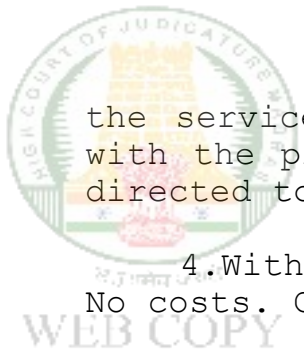
(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary 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.In view of the judgment cited supra, the respondents are directed to consider the case of the writ petitioner by verifying

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



the service records and if he is otherwise eligible in accordance with the principles settled as per the rules in force, the case is directed to be considered and appropriate order is to be passed.

4. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ns

To

1. The Internal Audit Officer,  
Audit Branch 1<sup>st</sup> Floor,  
NPKRR Maligai,  
800, Anna Salai,  
Chennai-600 002.

+1cc to Mr.T.Sakthi Kumaran, Advocate Sr.No.25956

**W.P. (MD)No.22467 of 2015**

**and**

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

**15.12.2020**

**CK** (CO)

NR (11/01/2020) 3P : 3C