

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.633 of 2016

And

W.M.P.No.452 of 2016

M.Elavarasan

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

2.The Director of Rural Development and
Panchayat Raj, Panagal Buildings,
Saidapet,
Chennai - 600 015.

3.The Block Development Officer,
Madurantakam Block,
Madurantakam,
Kancheepuram District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to apply the old pension scheme (Tamil Nadu Liberalised Pension Rules, 1960) to the petitioner and grant him pension and other retirement benefits as per the said rules and refund the amounts deducted from his monthly salary towards subscriptions to the Contributory Pension Scheme in CPS No.7012927/GA with interest.

For Petitioner : Mr.P.Rajendran

For Respondents: Mr.V.Murali for R1

Mr.J.Ramesh for R2

Additional Government Pleader

Mr.Dig Vijay Pandian for R3

O R D E R

The petitioner has filed this writ petition seeking direction to the respondents to apply the old pension scheme (Tamil Nadu Liberalised Pension Rules, 1960) and grant him pension and other retirement benefits and to refund the amounts deducted from his monthly salary towards subscriptions to the Contributory Pension Scheme in CPS No.7012927/GA with interest.

2. When the matter was taken up for consideration, the learned counsels appearing on either side jointly submitted that the issue involved in this writ petition is squarely covered by the Hon'ble Full Bench Judgment of this Court dated 03.12.2019 passed in W.A.Nos.158 of 2016 etc., batch of cases.

3. In view of the above, this Court is of the opinion that it is useful to extract hereunder the operative portion of the Judgment dated 03.12.2019 passed in W.A.Nos.158 of 2016 etc., batch of cases:

"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."

4.Hence, the respondents are directed to pass appropriate orders, in line with the Hon'ble Full Bench Judgment of this Court dated 03.12.2019 passed in W.A.Nos.158 of 2016 etc., batch of cases, as expeditiously as possible. Accordingly, this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.

2.The Director of Rural Development and
Panchayat Raj, Panagal Buildings,
Saidapet,
Chennai - 600 015.

3.The Block Development Officer,
Madurantakam Block,
Madurantakam,
Kancheepuram District.

+1 cc to The Government Pleader Sr.No. 15444

W.P.No.633 of 2016

And

W.M.P.No.452 of 2016

SKY (CO)
RMP (29/03/2021)