

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.14318 of 2014
and M.P.No.1 of 2014

M.Chellan

...

Petitioner

Vs

1. The State of Tamil Nadu,
Rep by the Secretary to Government
Rural Development and
Local Administration Dept.,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. Pudhupalayam Panchayat Union,
Pudhupalayam,
Thiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to count half of the service of the petitioner as Panchayat Assistant from 23.02.1983 to 28.08.2013 with the regular service of the petitioner in the post of Junior Assistant from 01.09.2013 to 31.05.2014 and pay all the pensionary and retirement benefits in the light of G.O.Ms.No.118 Finance (Pension) Dept. dated 14.02.1996 and G.O.Ms.No.16 dated 18.02.2005 including monthly pension.

For Petitioner : M/s.K.Janani
for M/s.M.Srividhya
For Respondents : Mr.J.Ramesh, AGP for R1 and R2
M/s.Sakthivel for R3

ORDER

The prayer made in this writ petition is to direct the respondents to count half of the service of the petitioner as Panchayat Assistant from 23.02.1983 to 28.08.2013 with the regular service of the petitioner in the post of Junior

Assistant from 01.09.2013 to 31.05.2014 and pay all the pensionary and retirement benefits in the light of G.O.Ms.No.118 Finance (Pension) Dept. dated 14.02.1996 and G.O.Ms.No.16 dated 18.02.2005 including monthly pension.

2.Today, when the matter was taken up for consideration, the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents jointly submitted that the issue at hand is no longer res integra, in view of the decision of the Full Bench of this Court rendered in WA.No.158 of 2016 etc. batch on 03/12/2019, wherein, in paragraph 45, it has been held as follows:

"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. This Court is of the opinion that following the aforesaid judgment, no further order is required to be passed in

this writ petition. Hence, this writ petition stands closed.
No costs. Consequently, connected miscellaneous petition is
also closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Secretary to Government
The State of Tamil Nadu,
Rural Development and
Local Administration Dept.,
Secretariat,
Chennai - 600 009.

2. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

3. Pudhupalayam Panchayat Union,
Pudhupalayam,
Thiruvannamalai District.

+1cc to M/s.M.Srividhya, Advocate SR.836
+1cc to the Government Pleader SR.1106

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PL (CO)
CB (29/03/2021)

सत्यमेव जयते

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