



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13775 of 2014

WEB COPY

- 1.P.Jeyalakshmi
- 2.A.M.Pandiammal
- 3.E.Ganapathy
- 4.N.Rajasulochana Devi
- 5.B.Rajammal
- 6.R.Sathiyavanimuthu
- 7.P.Chandra Esthar
- 8.V.Jothi
- 9.S.Santiagammal

... Petitioners

vs.

- 1.The Principal Secretary,
Social Welfare and Nutritious Meal Programme Department,
Fort St. George, Chennai-9.

- 2.The Principal Secretary,
School Education Department,
Fort St. George, Chennai-9.

- 3.The Principal Secretary,
Finance Department,
Fort St. George, Chennai-9.

- 4.The Director,
Social Welfare Department,
Chinthathiripet, Egmore,
Chennai-2.

- 5.The Director,
School Education Department,
DPI Campus,
College Road, Nungampakam,
Chennai-6.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the entire records pertaining to the G.O Ms.No.34, dated 14.03.2013 of the Social Welfare and Nutritious Meal Programme Department and quash the amendment made in the G.O.Ms.No.6, dated 06.01.2012, of the Social Welfare and Nutritious Meal Programme Department.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Mr.M.Linga Durai

Government Advocate



ORDER

This Writ Petition is filed for the issuance of Writ of Certiorari, to quash the impugned Government order vide G.O.Ms.No.34, dated 14.03.2013, Social Welfare and Nutritious Meal Programme Department and the amendment made in G.O.Ms.No.6, dated 06.01.2012.

2.Heard Mr.C.M.Arumugam, learned Counsel for the petitioners and Mr.M,Linga Durai, learned Government Advocate appearing for the respondents.

3.The petitioners have joined as Noon Meal Organizer in various places and their appointments were made by Block Development Officer concerned of various districts. By virtue of G.O.Ms.No.34, dated 14.03.2013, as amended vide G.O.Ms.No.6, Social Welfare and Nutritious Meal Programme Department dated 06.01.2010, the request of the petitioners to calculate 50% of their service rendered on consolidated pay was negatived. Hence, they approached this Court with the above prayer.

4.The learned Counsel appearing for the petitioners as well as learned Government Advocate appearing for the respondents submitted that the issue raised in this case is now covered by a judgment of Honourable Full Bench of this Court. In the judgment, dated 25.07.2019, in a batch of Writ Appeals in W.A.No.158 of 2016 and batch, the Honourable Full Bench has held as follows:

"46.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 honararium or daily wage basis and if such services were regularised before 01.04.2003, half of 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)(1) of Tamil Nadu State and Subordinate Service Rules 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."

5. Hence, as per the judgment of the Honourable Full Bench of this Court cited supra, the petitioners, who were appointed before 01.04.2003, but were absorbed in regular service after 01.04.2003, are not entitled to count their past service for the determination of qualifying service for pension, as referred to above. The petitioners, who were appointed before the cut off date and later appointed under Rule 10(a)(1) of Tamil Nadu State and Subordinate Service Rules and absorbed into regular service after 01.04.2003 are not entitled to count half of their past service for qualifying service for pension.

6. Accordingly, this Writ Petition is dismissed. There is no order as to costs.

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

tmg/cmr

To

1. The Principal Secretary,
Social Welfare and Nutritious meal Programme Department,
Fort St. George,
Chennai-9.

2. The Principal Secretary,
School Education Department,
Fort St. George,
Chennai-9.

3. The Principal Secretary,
Finance Department,
Fort St. George,
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4.The Director,
Social Welfare Department,
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Chennai-2.

WEB COPY

5.The Director,
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College Road, Nungampakam,
Chennai-6.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-29743[F] dated 21/09/2021)

+1 CC to M/s.SPL. GP (SR-29753[F] dated 21/09/2021)

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