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W.P.No.8653 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8653 of 2018

B. Mothilal Rao

... Petitioner

Vs.

1.The Secretary to Government,
Finance (PC) Department,
Fort St. George,
Chennai – 600 009.

2.The Commissioner,
Villupuram Municipality,
Villupuram.

3.Director of Local Fund Audit,
Kuralagam,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by 2nd respondent in Na.Ka.No.9687/2014/C3 dated 21.09.2017 and quash the same and consequentially direct the respondents to count the period of service 5 years 2 months and 6 days for the purpose of sanctioning the pensionary benefits and thereby revise the pension and to pay the arrears.



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For Petitioner : Mr.A.R. Nixon

For Respondents : M/s.C. Meera Arumugam,
Additional Government Pleader [R1 & R3]
Mr.V. Jayaprakash Narayanan [R2]

ORDER

The claim of the petitioner that his entire temporary service between 29.01.1959 to 01.07.1976, was duly considered by the respondents and by applying Rule 11(2) of the Tamil Nadu Pension Rules, 50% of such temporary service was calculated for the purpose of pensionary benefits. The petitioner now claims for the balance of 50% of the service for the aforesaid period for the purpose of calculating his pensionary benefits.

2. Rule 11(2) of the Tamil Nadu Pension Rules, provides that half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular service. There are no other rules or Government Orders to substantiate that the entire period of the temporary service should be taken into account for counting the



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qualifying service for pension. In the absence of any such rule or regulation, I do not find any infirmity in the impugned order passed by the second respondent dated 21.09.2017.

3. Accordingly, the Writ Petition stands dismissed. No costs.

08.12.2022

Speaking/Non-speaking order

Index : Yes/No

Internet: Yes/No

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To

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Chennai – 600 009.

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M.S.RAMESH,J.

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