



W.P.No.26837 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26837 of 2018

1.P.Thangavel
2.A.Rajamanickam
3.R.Krihnamurthy
4.M.Samidurai

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary to Government,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 600 015.

3.The Principal Accountant General (A&E) of Tamil Nadu,
No.361, Anna Salai,
Chennai – 600 018.

4.The District Collector (PD Section)
Salem District,
Salem.

... Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to count 50% of the services rendered by the petitioners in the post of part time Panchayat clerk panchayat assistant along with regular service for the purpose of pension with consequential benefits.

For Petitioners : Mrs.T.Hemalatha
For R1, R2 & R4 : Mrs.E.Indhumathi
Government Advocate
For R3 : M/s.T.S.Selvarani

ORDER

The relief sought for in the present writ petition is to direct the respondents to count 50% of the services rendered by the petitioners in the post of part time Panchayat clerk, panchayat assistant along with regular service for the purpose of pension with consequential benefits.

2.The petitioners were appointed on 17.09.2004, 07.09.2011, 27.08.2010 respectively. All the petitioners were appointed after the



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implementation of the New Pension Scheme i.e., Contributory Pension Scheme w.e.f. 01.04.2003. Since the writ petitioners were regularly appointed in the sanctioned post after 01.04.2003, they are not falling under the Tamil Nadu Pension Rules, 1978 and they are eligible to avail the pension benefits under the New Pension Scheme i.e., Contributory Pension Scheme. Even otherwise, part time services cannot be taken into consideration for counting of 50% of the services under Rule 11(2) of the Tamil Nadu Pension Rules. However, in the present case, the provisions of the Pension Rules, 1978 is not applicable to these petitioners and therefore, the relief as such sought for in the present writ petition cannot be considered.

3. Accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No
ssr



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S.M.SUBRAMANIAM, J.

SSR

To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Rural Development & Panchayat Raj Department,
Fort St. George,
Chennai – 600 009.
- 2.The Director of Rural Development & Panchayat Raj,
Panagal Building,
Saidapet, Chennai – 600 015.
- 3.The Principal Accountant General (A&E) of Tamil Nadu,
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