



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:18.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) Nos.15852, 15854, 15856, 15857, 15859, 15862, 15864, 15865, 15867, 15869, 15871 and 15872 of 2019

- 1.K.Thirupathi Aananthan ...Petitioner(s) in WP(MD). 15852/ 2019
1. P.Erulappasamy ... Petitioner(s) in WP(MD). 15854/ 2019
1. V.Meenkshi Sundaram ... Petitioner(s) in WP(MD). 15856/ 2019
1. G.Pandiaraj, ... Petitioner(s) in WP(MD). 15857/ 2019
1. P.Manoharan ... Petitioner(s) in WP(MD). 15859/ 2019
1. N.Rajapandi ... Petitioner(s) in WP(MD). 15862/ 2019
1. P.Arumugasamy ... Petitioner(s) in WP(MD). 15864/ 2019
1. R.Subbaiah ... Petitioner(s) in WP(MD). 15865/ 2019
1. N.M.Yogeswaran ... Petitioner(s) in WP(MD). 15867/ 2019
1. A.Palraj ... Petitioner(s) in WP(MD). 15869/ 2019
1. P.Palanivel Murugan ... Petitioner(s) in WP(MD). 15871/ 2019
1. S.A.Seeni Gurusamy ... Petitioner(s) in WP(MD). 15872/ 2019

Vs.

1.The Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai.

2.The Commissioner of Rural Development and
Panchayat Raj
Panagal Building,

<https://hcservices.ecourts.gov.in/hcservices/>



Saidapet, Chennai

3. The District Collector
Virudhunagar and District

...Respondent(s) in WP(MD). 15852/ 2019

WEB COPY

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15854/ 2019

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15856/ 2019

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15857/ 2019



1. The Sec. to Govt.,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15859/ 2019

1. The Sec. to Govt.,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15862/ 2019

1. The Sec. to Govt.,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15864/ 2019

1. The Sec. to Govt.,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,



Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15865/ 2019

WEB COPY

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15867/ 2019

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15869/ 2019

1. The Sec. to Govt.,

Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09

2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15

3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15871/ 2019



1. The Sec. to Govt.,
Rural Development and Panchayat Raj Dept.,
Secretariat, Chennai-09
2. The Commissioner of Rural DeVelopment And,
Panchayat Raj, Panagal Building,
Saidapet, Chennai-15
3. The District Collector
Virudhunagar and District

... Respondent(s) in WP(MD). 15872/ 2019

Prayer in WP(MD). 15852/ 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the first respondent, ie., the Secretary to Government, Rural development and Panchayat Raj Department, Chennai to consider the petitioner's represent dated 08.05.2019 regarding counting the petitioner's services for the period from 26.11.1994 to 03.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in W.P.No.12656 of 2013 dated 18.06.2014 and confirmed in common writ appeal (MD) No.51 of 2018 dated 27.03.2018 reported in 2018 (1) CWC 689 quoting the Hon'ble Supreme Court orders within a specified time frame that may be fixed by this Court.

Prayer in WP(MD). 15854/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 07.05.2019 regarding counting the petitioners services for the period from 01.11.1995 to 14.02.2008 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15856/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 07.05.2019 regarding counting the petitioners



services for the period from 26.09.1996 to 03.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15857/ 2019 :

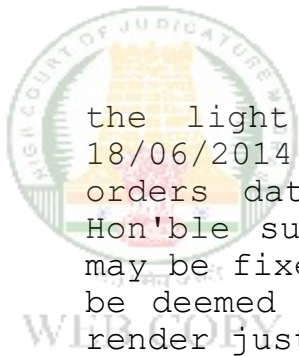
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 01.03.1996 to 15.02.2008 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15859/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 15.11.1996 to 15.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15862/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 01.04.1996 to 19.02.2008 for the purpose of calculation of pension and pass appropriate orders in



the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15864/ 2019 :

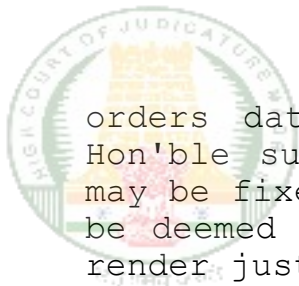
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 10.02.1996 to 15.02.2008 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15865/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 04.06.1994 to 03.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15867/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 22.08.1996 to 14.02.2008 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018



orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15869/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 01.10.1996 to 19.03.2008 for the purpose of calculation of pension . and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15871/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 01.12.1995 to 05.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 15872/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the 1st respondent i.e., the Secretary to Govt., Rural Development and Panchayat Raj Dept., Chennai to consider the petitioners representation dated 08.05.2019 regarding counting the petitioners services for the period from 02.12.1996 to 26.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in WP(MD).No. 12656 of 2013 dated 18/06/2014 and confirmed in common Writ Appeal (MD).No. 51 of 2018 orders dated 27/03/2018 reported in 2018(1) CWC 689 quoting the Hon'ble supreme court orders, within a specified time frame, that



may be fixed by this Hon'ble Court and pass such other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.S.Visvalingam
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

WEB COPY

COMMON ORDER

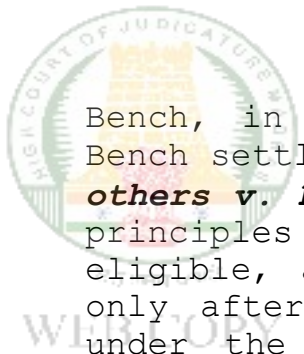
The relief sought for in the present writ petitions is to direct the first respondent, ie., the Secretary to Government, Rural development and Panchayat Raj Department, Chennai, to consider the petitioners' representation dated 08.05.2019 regarding counting his services for the period from 26.11.1994 to 03.12.2006 for the purpose of calculation of pension and pass appropriate orders in the light of orders passed in W.P.No.12656 of 2013 dated 18.06.2014 and confirmed in common writ appeal (MD) No.51 of 2018 dated 27.03.2018 reported in 2018 (1) CWC 689 quoting the Hon'ble Supreme Court orders within a specified time frame that may be fixed by this Court.

2. The petitioner was serving as Office Assistant. He was originally serving as Hand Pump Fitter Assistant in Panchayat Union on temporary basis. He has been continuously working without any break in service till 03.12.2006 on daily wage basis. Subsequently the petitioner was absorbed as Office Assistant in the regular time scale of pay with effect from 04.12.2006 as per G.O.Ms.No.55 Rural Development and Local Administration Department dated 15.05.2006. Thereafter, the services of the writ petitioner had been regularised in the cadre of Office Assistant with effect from 25.09.2006.

3. With reference to the above facts, the learned counsel for the petitioners reiterated that as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the temporary services rendered by the writ petitioner prior to his date of regularization is to be reckoned for the purpose of calculating the qualifying services.

4. The learned counsel for the writ petitioner relied on the judgment of the Hon'ble Division Bench reported in 2018 (1) CWC 689 in the case of Government of Tamil Nadu v. K.Sakthivel.

5. The learned Special Government Pleader objected the said contention by stating that the services of the writ petitioner was regularised after 01.04.2003 more specifically after introducing the new pension scheme and therefore, the petitioner is eligible under the contributory pension scheme and thus, the question of counting the services under the old Tamil Nadu Pension Rules does not arise at all. Even in respect of the application of Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the matter was referred to the Full



Bench, in view of the conflicting judgment and the Hon'ble Full Bench settled the issues in the case of **Government of Tamil Nadu and others v. R.Kaliyamoorthy** reported in **2019 (6) CTC 705**. As per the principles laid down by the Full Bench, the petitioners are not eligible, as they were regularly appointed in the sanctioned post only after 01.04.2003 and therefore, the petitioners are brought under the contributory pension scheme and thus, the Tamil Nadu Pension Rules are not applicable. The above position is made clear by the Hon'ble Full Bench also and therefore, the petitioners are not entitled for the relief.

6. This Court is of the considered opinion that though the petitioners are brought under the contributory Pension Scheme, the relief sought for is to count the past services rendered by him, when the Tamil Nadu Pension Rules was in force. In respect of Rule 11(4) of the said Rules, the temporary services rendered by the petitioners shall be taken into consideration for reckoning the qualifying services. The Full Bench has laid down the principles for application of Rule 11(4) of the Tamil Nadu Pension Rules. Therefore, the respondents are directed to verify the service particulars of the petitioners with reference to the principles laid down by the Full Bench in **Government of Tamil Nadu and others v. R.Kaliyamoorthy** reported in **2019 (6) CTC 705** and pass appropriate orders regarding the eligibility of the writ petitioners for counting the past services under Rule 11(4) of the Pension Rules. The said exercise is directed to be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petitions stand disposed of accordingly. No costs.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

RR

To

1.The Secretary to Government
Rural Development and Panchayat Raj Department
Secretariat, Chennai.

2.The Commissioner of Rural Development and
Panchayat Raj
Panagal Building,
Saidapet, Chennai

<https://hcservices.ecourts.gov.in/hcservices/>



3. The District Collector
Virudhunagar and District

+1 CC to M/s.S. VISVALINGAM, Advocate (SR-19078[F] dated 18/04/2022)

WEB COPY

+1 CC to M/s.SPL.GP (SR-19383[F] dated 19/04/2022)

W.P. (MD)Nos.15852 15854, 15856, 15857, 15859, 15862, 15864, 15865,
15867, 15869, 15871 and 15872 of 2019
18.04.2022

CK (CO)

KB (29.04.2022) 11P 6C