



W.P.(MD)No.14576 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.14576 of 2018

T.Balasubrmanian

... Petitioner

Vs.

1. The Secretary to Government,
Planning Development and Special
Initiatives Department,
Secretariat, Chennai – 600 009.

2. The Director,
Evaluation and Applied Research Department,
3rd Floor, Kuralagam,
Chennai – 600 108.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent i.e. the Director (FAC), E & AR Department, Chennai in his letter No.484/E&AR/A3/2018 dated 04.06.2018 and quash the same and consequently, direct the respondents to sanction the pensionary benefits under Rule 11(4) of Tamil Nadu Pension Rules, 1978, within a specified time frame that may be fixed by this Court.

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For Petitioner : Mr.S.Visvalingam
For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The learned Counsel appearing for the respondents submitted that the petitioner's service was regularized subsequent to 01.04.2003. Hence as per the Hon'ble Full Bench judgment in the Government of Tamil Nadu and others VS R. Kaliyamoorthy reported in 2019 (6) CTC 705 and (2020) 2 MLJ 369 the petitioner is not entitled to old pension scheme. In the aforesaid case it has been held that if the person is appointed prior to 01.04.2003 and was regularized subsequent to 01.04.2003, then 50% of the said service cannot be added.

2. Hence, this Court is of the considered opinion that the petitioner is not entitled to the prayer to add 50% of his previous service and the Writ Petition is dismissed. No costs.

08.12.2022

Index : Yes / No
Internet : Yes / No
jbr

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S.SRIMATHY, J

jbr

Order made in
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