



W.P.(MD)No.23102 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2022**

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.23102 of 2018

K.Muniappan

... Petitioner

Vs.

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai – 600 009.

2. The District Collector,
Sivagangai District,
Sivagangai.

... 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 second respondent i.e., the District Collector, Sivagangai relating to the impugned orders in Na.Ka.L1/25055/2017 dated 16.10.2018 and quash the same and consequently direct the first and second respondents i.e., the Secretary to Government, Revenue Department, Chennai and the District Collector, Sivagangai to count half of the services put in by the petitioner I.e., from 25.09.1984 to



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31.12.2005 on daily wage and the full service rendered by the petitioner in the regular time scale of pay with effect from 01.01.2006 to 31.05.2015 and to send pension proposals to the Accountant General, Chennai within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondent : Mr.R.Sureshkumar
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned order with the consequential relief to calculate 50% of the services rendered in daily wage.

2. The petitioner was appointed as Night Watchman, dated 25.09.1984. However, the petitioner was regularized with effect from 01.01.2009 as per G.O(Perm)No.194 Revenue Department, dated 27.07.2016. Since the petitioner's service was regularized after 01.04.2003. as per Full Bench Judgment rendered in the case of the



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Government of Tamil Nadu and others vs. R.Kaliyamoorthy reported in

2019 (6) CTC 705, he is not entitled to the relief and the Full Bench is extracted hereunder:

45. 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 W.A.No.158 of 2016 etc., batch 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-provincialized service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such 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) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of W.A.No.158 of 2016 etc., batch 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.”



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Therefore, the petitioner is not entitled to count the services rendered prior to 01.04.2003.

3. Hence, this Writ Petition is dismissed. No costs.

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Index : Yes / No
Internet : Yes / No
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To

1. The Secretary to Government,
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2. The District Collector,
Sivagangai District,
Sivagangai.



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S.SRIMATHY, J

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