



W.A.Nos.2240 , 2241 & 2244 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.01.2023**

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA
KURUP

Writ Appeal Nos.2240, 2241 & 2244 of 2018
and CMP Nos.17869 & 17874 of 2018

WA No.2240/2018

1. The Government of Tamil Nadu
Rep. by the Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.
3. The Commissioner of Agriculture,
Chepauk, Chennai 600 005. .. Appellants/1-3 Respondents

Vs.

- 1 C.RAJENDRAN
- 2 V.PARAMANANDAM
- 3 THE TAMIL NADU CO-OPERATIVE OILSEEDS
GROWERS FEDERATION LTD(TANCOF)
REP BY LIQUIDATOR, 55 THIRUVIKA INDUSTRIAL ESTATE,
EKATTUTHANGAL, CHENNAI-600032.



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4 THE PRINCIPAL ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS)
361 ANNA SALAI CHENNAI-600018

5 C.SOUNDARARAJAN
6 S. KARTHIKEYAN
7 V.C.SAKTHIVEL
8 R.K.PARIMELAZAGAN
9 RAMANATHAN
10 D. DEVARAJ

11 S. RAJENDRAN
12 P. NAGARAJAN
13 C. PERUMAL
14 R. RAJAMANI
15 P. SIVALINGAM

16 A. MURUGAN
17 D.RAVIKKUMAR
18 K.PANDIAN
19 N.NATARAJAN
20 P.NADANAGOPAL

21 V.SHEELADEVI
22 K.RAYAR
23 A.SOUNDARAPANDIAN
24 A.SUBRAMANIAN
25 A.ELUMALAI

26 G.RAJKUMAR
27 M.ABDUL KAREEM
28 P.KARUNANITHI
29 R.MANOCHARAN
30 S.JEYAKRISHNAN



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31 S.CHANDRASEKARAN
32 S.RAMASAMY
33 A.VELAVAN
34 G.DHANDAPANI
35 S.SRIPAUL

36 N.M.T. SOLOMON SELVA SEKAR
37 P.PANDIAN
38 G.SAMPATH
39 P.PRABAVATHY
40 K.SELVARAJU

41 K.RAJENDRAN
42 T.PALSAMY
43 S.RAVI
44 G.GANDHIRAJ
45 S.SELLADURAI

46 S.JEYAVELU
47 P.CHANDRASEKARAN
48 R.GURURAJAN
49 M.KRISHNAN
50 P.BHANUMATHI

51 D.KALAISELVI
52 S.KANNIYAAPPAN
53 R.GAJENDRAN
54 S.TAMILMANI
55 K.PARTHASARATHY

RR5 to 55 implead as party vide Court Order
dated 13.09.2021 made in CMP No.24175/2019
in WA No.2240/2018



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- 56 K.P.PAULSAMY
57 B.R.HEMAN RAJ
58 S.MANOGRAN
59 S.SELVAKANDAN
60 M.MALLIGA
- 61 R.GANDHI
62 S.KARPAGAPONNI
63 V.PUNITHA
64 V.RAJENDIRAN
65 G.KRISHNAVIJAYAN
- 66 K.KASINATHAN
67 V.MANI
68 R.PANNERSELVAM
69 S.KAMARAJ
70 S.KRISHNAMURTHY
- 71 P.BALAKRISHAN
72 C.JAYABAHADUR
73 L.PREMBAHADUR
74 P.GOVINDA PRASAD
75 R.MUTHUKRISHNAN
76 A.KALAIARASAN

.. Respondents

RR56 to 76 impleaded as party respondent vide Court order dated 27.10.2021 made in CMP No.16192/2021 in WA No.2240 of 2018

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P. No.3356 of 2014 dated 10.11.2017.

For Appellants : Mr. L.S.M. Hasan Fizal
Additional Government Pleader



W.A.Nos.2240 , 2241 & 2244 of 2018

For Respondents : Ms.S.Sasikala, for RR 5 to 76

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No appearance for RR 1 to 4

WA No.2241/2018

1. The Government of Tamil Nadu
Rep. by the Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.
3. The Commissioner of Agriculture,
Chepauk, Chennai 600 005. .. Appellants/1-3 Respondents

Vs.

1. M.Palani
2. C.Kuppusamy
3. M.Renu
4. A. Krinamurthi
5. P.Raghupathy
6. Tamil Nau Co-operative Oil Seeds,
Growers Federation Limited (TANCOF),
Rep. by Liquidator, 55, Thiruvika Industrial Estate,
Eekadhuthangal, Chennai 32.
7. Tamil Nadu Co-operative Marketing Federation Ltd., (TANFED),
Rep. by Managing Director,
No.91, Saint Marys Road, Chennai 18.
8. The Principal Accountant General,
(Accounts and Entitlements)
361 Anna Salai, Chennai 600 018. ... Respondents/4-6 Respondents



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Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P. No.3355 of 2014 dated 10.11.2017.

For Appellants : Mr. L.S.M. Hasan Fizal
Additional Government Pleader

For Respondents : RR 1, 3 to 8 - No appearance

R2 - Vacated

WA No.2244/2018

1. The Government of Tamil Nadu
Rep. by the Agricultural Production Commissioner and
Principal Secretary to Government,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.
3. The Commissioner of Agriculture,
Chepauk, Chennai 600 005. .. Appellants/1-3 Respondents

Vs.

- 1 M.PALANI
- 2 S.SUBRAMANIAN
- 3 J.BALACHANDRAN
- 4 S.SUNDARAVADIVAL
- 5 R.S.VEDANANDAN
- 6 V.K.GUNASEKAR



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- 7 S.VIJAYARANGAN
8 C.VENKATESAN
9 V.DEVRAJ
10 A.DHAYALAN
11 M.DEVARAJ
12 K.LAKSHMANAN
13 K.LAKSHAMANAN
14 B.VISHNU PRASAD
15 A.NAGAMANI GANDHI
16 A.KALAIMANI
17 J. KARTHIKEYAN
18 V.SUBRAMANIAN
19 R.KANDASAMY

20. TAMIL NAU CO-OPERATIVE OIL SEEDS,
GROWERS FEDERATION LIMITED (TANCOF),
REP. BY LIQUIDATOR, 55, THIRUVIKA INDUSTRIAL ESTATE,
EEKADHUTHANGAL, CHENNAI 32.

21. THE PRINCIPAL ACCOUNTANT GENERAL,
(ACCOUNTS AND ENTITLEMENTS)
361 ANNA SALAI, CHENNAI 600 018.

- 22 K.JAYARAMAN
23 P.GOVINDASAMY
24 M.PADMANABAN
25 K.RANGANATHAN
26 M.VIJAYAN
27 T.SIVARAJ
28 G.A.SUBRAMANI

.... Respondents

RR22 to 28 impleaded as party respondent vide Court
order dated 27.10.2021 made in CMP 1237/2020 in WA No.2244/2018



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Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P. No.2623 of 2014 dated 10.11.2017.

For Appellants : Mr. L.S.M. Hasan Fizal
Additional Government Pleader

For Respondents : Mr.M.Ravi, for R1

Ms.Nalini Chidambaram,
Senior Counsel
for Ms.C.Uma, for R22 to 27

No appearance for RR 2 to 15, 17,
19 to 21

R16- Insufficient Address
R 18 - Died

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge in these Appeals by the Government is to the orders of the Writ Court directing inclusion of 50% of services rendered by the petitioners in the Tamil Nadu Co-operative Oilseeds Growers Federation Limited (TANCOF), a non-pensionable establishment.



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2. It is not in dispute that the petitioners were employed as permanent employees in the said Corporation and upon its liquidation they are absorbed in various Departments of the Government. The fact that the service was continuous without break is also not disputed. The Writ Court had considered the impact of Rule 11(3) of the Tamil Nadu Pension Rules, which reads as follows:

“11. Commencement of qualifying services:-

(3) Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions:-

(i) Service under non-pensionable establishment shall be in a job involving whole time employment.

(ii) Service under non-pensionable establishment shall be on time scale of pay and



(iii) *Service under non-pensionable*

establishment shall be continuous and followed by absorption in pensionable establishment without a break.

Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.”

to reach the conclusion that the petitioners would be entitled to 50% of the service rendered by them in the Corporation to be added to their service in the Government while computing their pensionary benefits.

3. In the light of the clear language of the Rule, we are unable to countenance the contention of the learned Government Pleader to the effect that the Government has already considered their request leniently and have



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absorbed them. The absorption was totally on a different ground due to the liquidation of the Corporation. Therefore, the fact that the Government had decided to absorb these employees would not absolve the Government of the statutory liability and denude the petitioners of their statutory right conferred on them by the Pension Rules. Hence we do not find any merit in the Appeals, the Writ Appeals are dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (S.S.K., J.)
03.01.2023

Index: No
Internet: Yes
Speaking order
jv

Note: Issue order copy on 05.01.2023



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To

1. The Agricultural Production Commissioner and
Principal Secretary to Government,
Government of Tamil Nadu
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.
3. The Commissioner of Agriculture,
Chepauk, Chennai 600 005.
4. The Liquidator, Tamil Nadu Co-operative Oilseeds
Growers Federation Ltd (TANCOF)
55 Thiruvika Industrial Estate,
Ekattuthangal, Chennai-600032.
5. The Principal Accountant General
(Accounts and Entitlements)
361 Anna salai, Chennai-600018



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R.SUBRAMANIAN, J.

and

SATHI KUMAR SUKUMARA KURUP, J.

(jv)

Writ Appeal Nos.2240, 2241 & 2244 of 2018
and CMP Nos.17869 & 17874 of 2018

03.01.2023