



WEB COPY

W.A.No. 2208 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **31.03.2023**

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI**

W.A.No. 2208 of 2018

1. Government of Tamil Nadu,
Represented by its Secretary to Government,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Hosur Forest Division,
Hosur, Krishnagiri District.
4. The Accountant General of Tamil Nadu
Office of the Accountant General
Office at Teynampet,
Chennai - 18.

... Appellants

Vs.

S. Madhaiyan

...Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P.No. 27239 of 2013 dated 11.11.2013.



WEB COPY

W.A.No. 2208 of 2018

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

For Respondent : No appearance

JUDGMENT

[Judgment of the Court was delivered by D.KRISHNAKUMAR, J.]

Though name of the respondent has been printed in the cause list, none appeared for the respondent.

2. The learned Additional Government Pleader, appearing for the appellants, has brought to the notice of this Court a decision of the Full Bench of this Court, in **W.A.Nos. 158, 314, etc., of 2019, The Government of Tamil Nadu, represented by Secretary to Government Vs R. Kaliyamoorthy , reported in (2019) 6 C.T.C. 705 (FB)**, wherein in paragraph No. 46 of the Judgment, the Full Bench had answered the reference in the following terms:

"46. 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 proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003



W.A.No. 2208 of 2018

WEB COPY

(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-provincialised 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 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.*

3. The aforesaid Full Bench judgment squarely applies to the facts of the present case and accordingly the respondent/writ petitioner is not entitled to count half of his past service for the purpose of determination of qualifying service for pension, since his services were regularized after 01.04.2003 namely on 05.09.2003.



W.A.No. 2208 of 2018

WEB COPY

4. Therefore, in the light of Full Bench judgment cited supra, as the respondent/writ petitioner does not entitle any relief, the order passed by the learned Single Judge is set aside. Consequently the Writ Appeal is allowed. No costs. C.M.P.No. 17289 of 2018 is closed.

(D.K.K., J.) (K.G.T., J.)

31.03.2023

Intex : Yes/No
Internet : Yes/No
mrn

To

1. The Secretary to Government,
Government of Tamil Nadu,
Forest and Environment Department,
Fort St. George, Chennai - 600 009.
2. The Principal Chief Conservator of Forests,
Panagal Building, Saidapet,
Chennai - 600 015.
3. The District Forest Officer,
Hosur Forest Division,
Hosur, Krishnagiri District.
4. The Accountant General of Tamil Nadu
Office of the Accountant General
Office at Teynampet,
Chennai - 18.

4/5



WEB COPY



W.A.No. 2208 of 2018

D.KRISHNAKUMAR, J.
and
K. GOVINDARAJAN THILAKAVADI, J.
(mrn)

W.A.No. 2208 of 2018

31.03.2023