



W.P.No.1372 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1372 of 2016

M.K.Lalitha Lakshmi

... Petitioner

Vs.

1.The Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai, Chennai-600 018.

2.The Director of Rural Development and
Panchayat Raj, Panagal Buildings,
Saidapet, Chennai-600 015.

3.The Block Development Officer,
Kundrathur Block @ Padappai,
Kancheepuram District.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, To Call for the records relating to the impugned order of the first respondent in Pen-3/ IV/ 10314785/ 14-15 / Rtd dated- 4/15 and quash the same and direct the respondents to apply the old pension scheme (Tamil Nadu Liberalised Pension Rules, 1960) to the petitioner and grant her pension and other retirement benefits as per the said rules and refund the amounts deducted from her monthly salary towards



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subscriptions to the Contributory Pension Scheme in
CPS.No.7129512/GA with interest.

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For Petitioner : M/s.P.Manoj Kumar

For Respondents :
(for R1 & R2) : M/s.V.Jeevagiridharan

(for R3) : M/s.L.S.M.Hasan Fizal

ORDER

The above writ petition has been filed to call for the records relating to the impugned order of the first respondent in Pen-3/IV/10314785/ 14-15 / Rtd. dated- 4/15 and quash the same and direct the respondents to apply the old pension scheme (Tamil Nadu Liberalised Pension Rules, 1960) to the petitioner and grant her pension and other retirement benefits as per the said rules and refund the amounts deducted from her monthly salary towards subscriptions to the Contributory Pension Scheme in CPS.No.7129512/GA with interest.

2. The petitioner had been appointed originally in a non provincialised post on 12.10.1985 as a Part-time Clerk. Thereafter, she was appointed as a Full Time Panchayat Assistant on 01.10.1991 on a consolidated pay and has been regularised only on 02.06.2005. She



had retired from service on 01.08.2014.

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3. The issue involved in the instant writ petition has already been covered by the full Bench Judgement of this Court in W.A.Nos.158, 314, 315, 316, 317, 343, 426, 455, 490, 536, 610 and 1235 of 2016 etc., wherein the learned Judges had observed as follows:-

"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 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 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*



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*01.04.2003 will not be entitled to count half of their
past service for the purpose of determination of
qualifying service for pension"*

4. Therefore, in the light of the above full Bench judgement, the
Writ Petition stands dismissed. No costs.

24.07.2024

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

To

1.The Principal Accountant General,
(Accounts & Entitlements), Tamil Nadu,
361, Anna Salai, Chennai-600 018



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