



W.P.No.12789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

WEB COPY

CORAM :  
**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**  
**AND**  
**THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

**W.P.No.12789 of 2024**

T.Joseph

... Petitioner

Vs.

1. The State of Tamil Nadu  
Represented by its Secretary to Government,  
Home (Courts V) Department,  
Secretariat, Chennai - 600 009.
2. The Secretary to Government,  
Finance (Pension) Department,  
Chennai - 600 009.
3. The Principal Judge,  
City Civil Court,  
Chennai - 600 104.
4. The Registrar General,  
The Madras High Court,  
Chennai - 600 104.
5. The Registrar,  
City Civil Court,  
Chennai - 600 104.

... Respondents



W.P.No.12789 of 2024

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent issued in office memorandum Dis.No.12241/2023/E2, dated 02.11.2023 and quash the same and direct the 1st respondent to consider the past service rendered from 19.07.1983 to 21.08.1997, condone the non-employment period from 21.08.1997 to 23.04.2000 and sanction pension and accord retirement and pensionary benefits namely encashment of leave etc., and pension benefit or any other entitled benefits accordingly and disburse all monetary benefits to the petitioner within a limited time frame.

|                |                                                     |
|----------------|-----------------------------------------------------|
| For Petitioner | : Mr.D.Daniel                                       |
| For R1         | : Mr.T.Chandrasekaran<br>Special Government Pleader |
| For R2 to R4   | : Mr.S.S.Arjun                                      |

### **ORDER**

**(Order of the Court was made by S.M.SUBRAMANIAM,J.)**

The writ on hand has been instituted questioning the validity of the order of rejection dated 02.11.2023.

2. The learned Principal Judge, City Civil Court, Chennai has issued the order impugned stating that the petitioner has served 9 years, 3 months and 25 days and as per Rule 42 (2) of the Tamil Nadu Pension Rules, the petitioner has not served the minimum period of 10 years and thus not eligible to get pension under the Tamil Nadu Pension Rules.

Page No.2 of 7



W.P.No.12789 of 2024

3. Mr.D.Daniel, learned Counsel appearing on behalf of the petitioner would strenuously contend that the petitioner earlier served 9 years, 9 months and 13 days and resigned his job. The order of resignation was challenged and pursuant to the order of the Court, the petitioner was appointed as a fresh entrant into the service. Considering the fact that the petitioner served earlier for 9 years and 9 months, his case is to be considered sympathetically for the purpose of grant of pension under the Tamil Nadu Pension Rules. It is further contended that the petitioner had served under compelling circumstances before his resignation and all those mitigating factors are to be taken into consideration for the purpose of granting minimum pension to the petitioner.

4. Mr.S.S.Arjun, learned Counsel who takes notice for the respondents 2 to 4 would submit that the learned Principal Judge rejected the case of the petitioner relying on the provisions of the Tamil Nadu Pension Rules and there is no infirmity as such.



W.P.No.12789 of 2024

WEB COPY

5. Heard both sides.

6. Admittedly, the petitioner resigned his job even before completion of 10 years of service. His case was considered sympathetically by the Court and a direction was issued to re-appoint him as Steno-typist, as a fresh entrant and consequently, the learned Principal Judge, City Civil Court, Chennai in his proceedings dated 19.04.2000 issued an order of appointment, which reads as under:

*Thiru T.Joseph, formerly Steno-typist, City Civil Court, Chennai and resigned his service, is reappointed as Steno-Typist carrying the time scale of pay of Rs.4000-100-6000 in the City Civil Court, Chennai.*

*He is directed to join duty in the said post on or before 28.04.2000.*

*The appointment shall be treated as first appointment and he shall not be entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order.*

The order of appointment would contain conditions stating that the appointment shall be treated as a fresh appointment and he shall not be



W.P.No.12789 of 2024

entitled to count any portion of his previous service for any benefit or concession admissible under any rule or order. Accepting the said condition, the petitioner served 9 years, 3 months and 25 days. Having accepted the condition imposed in the appointment order dated 19.04.2000, the petitioner now cannot turn around and claim pension on sympathy grounds. Pension cannot be granted on sympathy grounds. It is to be granted scrupulously by following the Rules. Monthly pension is granted for the deferred portion of the service rendered in accordance with the Rules and the Courts are bound to adhere the Pension Rules in *stricto sensu*, in view of the fact that any dilution of the Rule would create a wrong precedent and would result in opening of a pandora's box. Thus, the pension Rules are to be followed scrupulously. In the present case, the learned Principal Judge, City Civil Court, Chennai has followed the Rule and rejected the claim of the petitioner for grant of pension, since the petitioner has not completed minimum service of 10 years as required under the pension Rules.



W.P.No.12789 of 2024

7. Thus, we do not find any infirmity in respect of the order impugned passed by the learned Principal Judge, City Civil Court, Chennai dated 02.11.2023. Consequently, the Writ Petition stands dismissed. No costs.

**[S.M.S.J.] [C.K.J.]**  
**03.06.2024**

Index : Yes/No  
Speaking Order : Yes/No  
Neutral Citation : Yes/No  
veda

To

1. The State of Tamil Nadu  
Represented by its Secretary to Government,  
Home (Courts V) Department,  
Secretariat, Chennai - 600 009.
2. The Secretary to Government,  
Finance (Pension) Department,  
Chennai - 600 009.
3. The Principal Judge,  
City Civil Court,  
Chennai - 600 104.
4. The Registrar General,  
The Madras High Court,  
Chennai - 600 104.
5. The Registrar,  
City Civil Court,  
Chennai - 600 104.



WEB COPY



W.P.No.12789 of 2024

**S.M.SUBRAMANIAM,J.**  
**AND**  
**C.KUMARAPPAN,J.**

veda

Order in  
W.P.No.12789 of 2024

03.06.2024