



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 29-02-2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM**

**And**

**THE HONOURABLE MR. JUSTICE K.RAJASEKAR**

**WP No.9635 of 2020**

D.Vijaya

.. Petitioner

-VS-

1.The Accountant General (A&E),  
AG's Office Complex,  
361, Anna Salai,  
Teynampet,  
Chennai-600 018.

2.The Chief Administrative Officer,  
District Court,  
Combined Court Complex,  
Namakkal.

3.The Commissioner,  
Namagiripet Panchayat Union,  
Panchayat Union Office,  
Rasipuram Taluk,  
Namakkal District.

.. Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in relation to the impugned order No.PO2/1/10225110/ADK dated 15.07.2009, quash the same and consequently direct the second respondent to send fresh proposal to the first respondent together with the connected service records pertaining to the petitioner for disbursing the 50% pension to the petitioner herein for her service as a Noon Meal Organiser for the period from 24.01.1984 to 05.07.2000 as per Rule 11 (4) of Tamil Nadu Pension Rules, 1978.

For Petitioner : Mr.P.Paramasivados for  
Mr.S.Senthil.

For Respondent-1 : Mr.

For Respondents-1 and 2 : No Appearance

For Respondent-3 : Ms.P.Raja Rajeswari,  
Government Advocate.



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## **ORDER**

**[ORDER OF THE COURT WAS MADE**

**BY S.M.SUBRAMANIAM, J.]**

The order of rejection dated 15.07.2019 issued by the Accountant General of Tamil Nadu, is sought to be quashed in the present writ proceedings.

2. The petitioner was appointed as a Noon Meal Organiser on 24.01.1984. Thereafter, she was selected and appointed in Judicial Department in the year 2000. The petitioner retired from service from the post of Bench Clerk on 31.12.2014 on attaining the age of superannuation.

3. The learned counsel for the petitioner would submit that the petitioner is eligible for counting of 50% of services rendered by her in the post of Noon Meal Organiser in the Social Welfare Department from 1984 to 2000. The representation given by the petitioner to count half of services rendered by her in the post of Noon Meal Organiser was rejected. Thus the



present writ petition came to be filed.

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4. Rule 11 (2) of the Tamil Nadu Pension Rules, 1978, contemplates half of the service paid from contingencies shall be allowed to count towards qualifying service for pension along with regular services subject to the condition that service paid from contingencies shall be in a job involving whole-time employment and not part-time for a portion of the day. Therefore, temporary employee claiming the benefit of counting of 50% service must be employed in whole-time service and not in part-time service. The Accountant General of Tamil Nadu in proceedings dated 15.07.2019 has clearly stated that the petitioner served as a part-time employee.

5. The learned Government Advocate, appearing on behalf of the third respondent also states that the post of Noon Meal Organiser is a part-time post.

6. That being so, the petitioner is not entitled to claim benefits under Rule 11 (4) of the Tamil Nadu Pension Rules, 1978.



7. Accordingly, the order impugned dated 15.07.2019 passed by the respondent-the Accountant General of Tamil Nadu, is in consonance with Pension Rules. Consequently, the present writ petition stands dismissed. However, there shall be no order as to costs.

**(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)**

**29-02-2024**

Index : Yes/No  
Internet: Yes/No  
Speaking order/Non-Speaking order  
Neutral Citation : Yes/No  
Svn

To

- 1.The Accountant General (A&E),  
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