



W.P. No.18910 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.18910 of 2020

S.Menaka

... Petitioner

Vs.

1.The Director,
Institute of Child Health
& Hospital for Children,
Egmore, Chennai-600 008.

2.The Pay & Account Officer,
Pay and Accounts Officer (East),
Egmore, Chennai-600 008.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to reckon the service rendered by the petitioner from 18.08.1993 till 16.05.2007 as qualifying service to arrive pension as permissible under law and to further revise and refix the pension and other retirement benefits for a pension qualifying service between the period 18.08.1993 and 30.06.2018 in terms of Tamil Nadu Pension Rules, 1978 and that of supplementary instructions issued by the Government.



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For Petitioner : Mr.L.Chandrakumar
For R1 : Ms.M.Sneha
Special Counsel for Health & Family
Welfare Department.

ORDER

On perusal of affidavit and material filed along with this writ petition itself shows that the services of the petitioners were regularized through proceedings dated 18.10.2008.

2. In terms of Sub-para(iii) of Paragraph 45 of the decision of the learned Full Bench of this Court in W.A.No.158 of 2016 and batch, dated 03.12.2019, it is only the persons, whose services were regularized on or before 01.04.2003, are entitled for counting of 50% of temporary service rendered for the purpose of conferment of pensionary benefits. Admittedly, regularization of the petitioner is only through proceedings dated 18.10.2008. Therefore, the petitioner is not entitled to seek for extending the benefit of Sub-class(2) of Rule 11 of Tamil Nadu Pension Rules, 1978.

3. In view of the above, the petitioner is not entitled for the relief



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sought for and accordingly, this writ petition is dismissed. The connected miscellaneous petitions, if any, shall stand closed. No costs.

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Index : Yes/No
Speaking Order : Yes/No

dpa

To:

- 1.The Director,
Institute of Child Health
& Hospital for Children,
Egmore, Chennai-600 008.
- 2.The Pay & Account Officer,
Pay and Accounts Officer (East),
Egmore, Chennai-600 008.



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MUMMINENI SUDHEER KUMAR,J.

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