



W.P.(MD) No.1459 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.1459 of 2021

- 1.V.Kasthuri
- 2.P.Goma
- 3.C.Jhonsi Rajam
- 4.D.Arunadevi
- 5.P.Arumugam
- 6.M.Vijayamma
- 7.V.Jeyalakshmi
- 8.S.Seeniammal
- 9.A.Angalaeswari
- 10.D.Sankareswari
- 11.S.Parvathi
- 12.K.Subbulakshmi
- 13.I.C.Velammal
- 14.A.Sagunthala
- 15.S.Maheswari
- 16.P.Pooranam
- 17.A.Prema



W.P.(MD) No.1459 of 2021

- 18.R.Mallika
- 19.P.Kuppammal
- 20.M.Valivittal
- 21.M.Usharani
- 22.S.Kalarani
- 23.A.Manimegalai
- 24.S.Manimekalai
- 25.V.Poomalai
- 26.A.Lakshmi
- 27.M.Thenmozhi
- 28.S.Jayanthi
- 29.R.Gomthinayahi Sundarampal
- 30.K.Jeyarani
- 31.S.Ronickai Mary
- 32.K.Renuga
- 33.S.Pasubathi
- 34.M.Vasanth
- 35.S.Indrani
- 36.P.Janaki
- 37.M.Chinnadevi
- 38.A.Senthamarai Selvi
- 39.P.Chandrakumari
- 40.Chellathankam



W.P.(MD) No.1459 of 2021

- 41.T.Seela
42.P.Dhanaseeli
43.S.Meenatchi
44.M.Chandra
45.A.Thangabackiyam
46.C.Rajeswari
47.S.Maheswari
48.B.Pushpavalli
49.M.Sundarambal
50.J.Rajeswari
51.K.Meenakshi
52.G.Jayanthi
53.P.Parvatham
54.R.Vijayarani
55.T.K.Mallika
56.A.Rajeswari
57.T.Suseela
58.D.Sumathi
59.R.Guna
60.K.Sargunadevi
61.M.Vetriselvi
62.K.Mekala
63.R.Ponnuruvi



W.P.(MD) No.1459 of 2021

- 64.D.Vasantha
65.S.Gowri
66.V.Savuthiri
67.S.Jothiammal
68.R.Lalitha
69.S.Annammal
70.R.Sambukutty
71.V.Kalaiselvi
72.K.Palaniammal
73.R.Kaliammal
74.K.Kasmbal
75.R.Kalavathi
76.N.Suseela
77.S.Premavathi
78.A.Valarmathi
79.K.Vimala
80.P.Silambu Selvi
81.P.Krishnaveni
82.C.Vallinayagam
83.B.Amirthaveni
84.R.Jeevarathnam
85.N.Renukadevi
86.P.M.Parasakthi



W.P.(MD) No.1459 of 2021

- 87.R.Bhuvaneswari
88.D.Jayalakshmi
89.P.Rukumani
90.D.Navajothi
91.R.Krishnaveni
92.M.Chellammal
93.V.Swarnambal
94.S.Rosemery
95.P.Banu
96.A.Thamilarasi
97.S.Leemarose
98.P.Udayamalar
99.S.Sundari
100.A.Malliga
101.M.Thangamery
102.R.Soundari
103.J.Ranibai
104.K.Mallika
105.Thilagavathi
106.M.Sucila
107.A.Sakunthala
108.P.S.Tamilarasi
109.B.Jansirani



W.P.(MD) No.1459 of 2021

WEB COPY

- 110.N.Saraswathi
- 111.A.P.Saradha
- 112.G.Kuppayee
- 113.P.Amutha
- 114.S.Vasantha
- 115.M.Kasambal
- 116.M.Palaniammal
- 117.A.Vengalakshmi
- 118.N.Uma
- 119.M.Manoranjitham
- 120.Baby
- 121.K.Vijayalakshmi
- 122.T.Dhanavalli
- 123.M.Vijaya
- 124.Narmatha
- 125.A.Samuthravilli
- 126.G.Thangammal
- 127.P.Periyanayagam
- 128.P.Susila
- 129.N.A.Vijayalakshmi
- 130.D.Yesadval
- 131.S.Narayani
- 132.D.Banumathi



W.P.(MD) No.1459 of 2021

WEB COPY

- 133.C.Tamilselvi
- 134.A.Elamathi
- 135.A.Jayakodi
- 136.A.Fatima A.Rani
- 137.A.Kumuthavalli
- 138.D.Unnamalai
- 139.M.Rani
- 140.C.Pitchaiammal
- 141.M.Palaniammal
- 142.S.Jeyalakshmi
- 143.M.Ranjitham
- 144.P.Saravanan
- 145.R.Sengeni
- 146.R.Thilagam
- 147.B.Thiribura Sundari
- 148.N.Meenambal
- 149.P.Porkodi
- 150.P.Rajalskahmi
- 151.C.Roselinmery
- 152.R.Hemalatha
- 153.S.Gowri
- 154.R.Visalachi
- 155.R.Ammami



W.P.(MD) No.1459 of 2021

WEB COPY

- 156.B.Parimala
- 157.R.Usharani
- 158.K.Tamilarasi
- 159.K.Govindammal
- 160.M.Chandra
- 161.S.Vasanthamani
- 162.N.Jothi
- 163.T.Poongothai
- 164.P.Jothi
- 165.K.Rajamani
- 166.S.Mallika
- 167.A.Dhanabagyam
- 168.S.Jeevagandhi
- 169.M.Dhanalakshmi
- 170.C.Rajeswari
- 171.K.M.Noorjehan
- 172.R.Jeya
- 173.P.Jeyalakshmi
- 174.A.Mallika
- 175.B.Kalapaty
- 176.S.Radha
- 177.N.Gowri
- 178.P.Usharani



W.P.(MD) No.1459 of 2021

- 179.M.Kanagavalli
180.S.Ilavarasi
181.T.Nagamani
182.K.Kuppulakshmi
183.K.Mallika
184.V.Maragatham
185.M.Indirani
186.K.Sumathi
187.S.Sarojini
188.T.Maragatham
189.R.Tamilselvi
190.M.M.Naaki
191.B.Soruparani
192.D.Kosala
193.S.Sulosana
194.S.Amutha
195.S.Samathanamary
196.C.Susila
197.E.Sathya Bama
198.S.Nagarathanam
199.T.Krishnaveni
200.K.Udayakumari
201.S.Chitra Chokkalingam



W.P.(MD) No.1459 of 2021

- 202.M.Selvi
203.S.Pushpalatha
204.A.Vijaya
205.N.Ponninselvam
206.S.Asothai
207.K.Vasanth
208.N.Susila
209.G.Nalayani
210.K.Periyamma
211.K.Manickavalli
212.L.Thirupavai
213.G.Kaveriammal
214.M.K.Kamalakshi
215.N.Arunthathi
216.S.Elavarasi
217.K.Kalaiselvi
218.S.Vijayalakshmi
219.N.Unnamalai
220.G.Anandhalakshmi
221.D.Manimekalavathi
222.K.Vijayalakshmi
223.N.Mallika
224.M.Ambiga



W.P.(MD) No.1459 of 2021

- 225.A.Thilagavathi
226.R.Rani
227.M.Amalorpavamary
228.C.Thilagam
229.M.Valliammai
230.E.Santhakumari
231.S.Deivasikamani
232.S.Jambukeswari
233.V.Banumathi
234.P.Madheswari
235.P.Malarkodi
236.R.Shanthi
237.V.Vimalarani
238.R.Sakunthalamani
239.N.Chandra Gandhi
240.R.Vairamani
241.K.Saroja
242.R.Santha
243.M.Subbulakshmi
244.K.Thulasithara
245.A.Prema
246.M.Pandiammal
247.P.Manonmani



W.P.(MD) No.1459 of 2021

- 248.G.Sivaprasanthini
249.A.Rajammal
250.A.Kasthuri
251.R.Mangayarkarasi
252.M.Usharani
253.C.Prema
254.M.Saroja
255.M.Senthamarai
256.P.Athilakshmi
257.E.Dhanalakshmi
258.M.Jeyalakshmi
259.R.Vijayakumari
260.J.Mahalakshmi
261.S.Umamaheshwari
262.D.Maheshwari
263.J.Mallika
264.V.Sumathi
265.N.Gowri
266.K.Poovarasi
267.P.Chinnammal
268.R.Amudha
269.J.Amsabai
270.K.Thamilarasi



W.P.(MD) No.1459 of 2021

WEB COPY

- 271.M.Sugantha
- 272.R.Tamilselvi
- 273.A.Alfonsa Mari
- 274.G.Kudiarasi
- 275.P.Bhavani
- 276.A.Louisa
- 277.M.Kasthuri
- 278.T.Vasanthi
- 279.T.Singaaram
- 280.R.Gunathandari
- 281.G.Mangammal
- 282.R.Paanjaali
- 283.S.Saraswathi
- 284.M.Indi Rani
- 285.R.Janki
- 286.D.Rani
- 287.N.Pushpa
- 288.P.Poovathal
- 289.K.Senthamarai Selvi
- 290.S.N.Nallammal
- 291.V.Rajammal
- 292.V.Mallika
- 293.M.Parimalam



W.P.(MD) No.1459 of 2021

- 294.A.Dhanamani
295.T.Lakshmi
296.A.Venmathi
297.P.Sathyavani
298.K.Puspa
299.U.Palaniammal
300.M.Rukmani
301.N.Sivagami
302.P.Parameswari
303.P.Lakshmi
304.K.Suseela
305.P.Mylambal
306.N.Gomathi
307.P.Subbulakshmi
308.G.Indirani
309.Thilgamani
310.J.Vijayabhavani
311.M.Bagyalakshmi
312.V.Subbhalakshmi
313.R.Valarmathy
314.R.Jothi
315.K.Kanmani
316.V.Krishnaveni



W.P.(MD) No.1459 of 2021

- 317.V.Vanmathi
318.P.Chandra
319.K.Jothi
320.B.Subaithunnisa
321.S.Balammal
322.K.Rabiya Begam
323.S.Malar Vizhi
324.M.Samarasam
325.K.Dhamayanthi
326.K.Periyakuzhantai
327.P.Radha
328.R.Mallika
329.P.Seethalakshmi
330.T.Radha
331.D.Kalavathi
332.N.Pappathi
333.K.Jothi
334.S.Dhanam
335.R.Bagyalakshmi
336.J.Arul Mani Anthoniammal
337.A.Maragatham
338.G.Tamilmani
339.S.Ramesh



W.P.(MD) No.1459 of 2021

WEB COPY

340.G.Vasanthakumari

341.S.Anbuselvi

342.C.Subbulakshmi

... Petitioners

Vs.

1.The Principal Accountant General (A&E),
Accountant General Department,
No.361, Anna Salai,
Chennai-600 018.

2.The Secretary,
Finance Department,
Government of Tamil Nadu,
Chennai.

3.The Principal Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat,
Chennai-600 009.

4.The Commissioner of Social Welfare,
Panagal Maaligai 2nd Floor,
Saidapet,
Chennai-600 015.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records pertaining to G.O.Ms.No.41 of Social Welfare and Nutritious Meals (ஈ.நீ.1) Department, dated 29.08.2019 passed by the 3rd respondent and quash the same and



W.P.(MD) No.1459 of 2021

consequently direct the respondents to calculate the pension including in service rendered by the petitioners as Bala Sevika along with regular time scale of service.

For Petitioners	:	Mr.T.S.Mohamed Mohideen
For R1	:	Mr.P.Gunasekaran Additional Central Government Standing Counsel
For RR2 to 4	:	Mr.D.Sasikumar Additional Government Pleader

ORDER

All the petitioners herein, who were initially appointed as Bala Sevikas in different Panchayat Unions on consolidated pay, were awarded regular time scale of pay and absorbed as Rural Welfare Officers Grade-II and subsequently, they were promoted to different categories and retired from service while working in regular time scale of pay. The services of all the petitioners were absorbed after 01.04.2003 only. The Government having taken note of the fact that none of the petitioners have put in qualifying service for grant of pension under Tamil Nadu Pension Rules, 1978, issued



W.P.(MD) No.1459 of 2021

the impugned Government Order in G.O.Ms.No.41, Social Welfare and Nutritious Meal Department, dated 29.08.2019 granting a special pension of Rs.2,000/- on compassionate grounds to the petitioners. Aggrieved by the said Government Order, fixing only an amount of Rs.2,000/- as pension, the petitioners approached this Court by filing the present writ petition.

2. The learned counsel for the petitioners, having been confronted with a decision of a learned Full Bench of this Court in W.A.No.158 of 2016 and batch, dated 03.12.2019, wherein the claim of the employees, who were regularised after 01.04.2003 for the purpose of extending the benefit under Rule 11(2)(iv) of the Tamil Nadu Pension Rules, was negatived, practically left with no other ground to contest G.O.Ms.No.41, dated 29.08.2019. However, it is contended by the learned counsel for the petitioners that persons, who are similarly situated like the petitioners in this writ petition, have approached this Court on number of earlier occasions and learned Single Judges as well as learned Division Benches of this Court passed different orders extending the benefit of counting the past service rendered by them on temporary basis prior to their date of absorption into service without



W.P.(MD) No.1459 of 2021

reference to the cut off date of 01.04.2003 mentioned in G.O.Ms.No.6, dated 06.01.2010 and Rule 11(2)(iv) of the Tamil Nadu Pension Rules and all such persons were extended the said benefit and they have been enjoying such benefit as on date.

3. Learned counsel for the petitioners also drawn the attention of this Court to some of such orders passed by this Court in W.P.No.12656 of 2013 and a learned Single Judge of this Court, by order dated 18.06.2014 observed as under:

“25.It is a different matter if a person joined the service after 01.04.2003 on daily wages basis and he was absorbed thereafter. But in my view, the prescription of the cut off date as 01.04.2003 for absorption into regular service under Rule 11(4) of the Tamil Nadu Pension Rules, to count half of the service rendered prior to absorption has no rationale basis and the same is arbitrary and violative of Article 14 of the Constitution. In fact Rule 11(4) of the Tamil Nadu Pension Rules is totally redundant, in view of Rule 11(2) of the Tamil Nadu Pension Rules. Rule 11(2) does not



W.P.(MD) No.1459 of 2021

prescribe any cut off date as to absorption into regular service. The benefits given under Rule 11(2) cannot be deprived and taken away by Rule 11(4). Thus, the cut off date of absorption as 01.04.2003 prescribed in Rule 11(4) shall be ignored. Otherwise, it will lead to grave injustice.”

4. Having observed as above, the learned Single Judge ordered for counting of half of the service rendered by the petitioner therein before his date of absorption, i.e., prior to 20.04.2003 along with regular service for the purpose of pension.

5. In yet another case, a learned Division Bench of this Court in W.A.(MD) No.51 of 2018 and batch, dated 27.03.2018, held as under:

“29.As noticed above, the decision to bring the writ petitioners into regular time scale of pay, was taken in the year 1999 and the writ petitioners were extended the benefits in the year 2009. By then, several of them, had completed more than 30 years of service, as daily wagers. The past service was reckoned for the purpose of justifying their absorption into regular time scale of pay.



W.P.(MD) No.1459 of 2021

Therefore, it will be a misnomer to state that the appointments made to the post of Forest Watchers is a fresh appointment. The stand taken by the appellants in this regard is to be rejected by merely referring to the preamble portion of G.O.(Ms)No.64, dated 08.03.1999 and G.O.(Ms)No.95, dated 07.08.2009. Therefore, the said contention raised by the appellants required to be outrightly rejected.

30. There can be no denying the fact that the appellants themselves have implemented various decisions of the Division Benches, in some of which, no appeals were preferred to the Hon'ble Supreme Court. Therefore, now to take a different stand in the present appeals as well as writ petitions would be impermissible and a situation cannot be allowed to prevail causing discrimination between similarly placed persons. Thus, in the facts and circumstances of the case and in the light of the above discussion, we find that the State has not made any grounds to interfere with the orders passed in the writ petitions and therefore, the writ appeals are liable to be dismissed and the similar writ petitions are liable to be allowed.”



W.P.(MD) No.1459 of 2021

WEB COPY

6. In yet another case, a learned Single Judge of this Court in W.P. (MD) No.20883 of 2019, by order dated 11.11.2019 held as under:

“6.The claim of the petitioner is that 50% of service on temporary service rendered by her has to be taken into account for calculating pension payable to her, as per Rule 11(4) of the Tamil Nadu Pension Rules. The issue was already considered by this Court. The issue involved in this Writ petition is no longer res integra. Considering the submission made by the learned counsel on either side, the order impugned in the Writ petition is set aside. The respondents are directed to count 50% of services put in by the petitioner as Bala Sevika for the period from 18.01.1982 to 18.04.2012 and regular time scale service put in by the petitioner as Rural Welfare Officer Grade-I and Grade-II for the period from 19.04.2012 to 31.01.2018, within a period of four weeks from the date of receipt of a copy of this order.”

7. All the above orders have been implemented by the respective Departments and pension was granted by duly extending the benefit under Rule 11(2)(iv) of the Tamil Nadu Pension Rules to the respective petitioners



W.P.(MD) No.1459 of 2021

therein. No doubt, as already observed above, the learned Full Bench of this Court has considered very same aspect and negatived the claim of the persons, who were absorbed after 01.04.2003.

8. The contention of the learned counsel for the petitioners is that most of the petitioners herein rendered more than 30 years of service but because of the laches on the part of the respondents, their services could not be regularised prior to 01.04.2003 thereby the petitioners are deprived from drawing the pension, nor they were allowed to be part of the Contributory Pension Scheme, as their services were regularised just before they attain the age of superannuation. Thus, the petitioners herein were deprived of regular pension in terms of the Tamil Nadu Pension Rules or for the benefit of Contributory Pension Scheme.

9. According to the learned counsel for the petitioners, though the Government has taken into consideration all these factors into consideration and issued G.O.Ms.No.41, dated 29.08.2019, the respondent-Government failed to take note of the fact that the award of Rs.2,000/- as special pension



W.P.(MD) No.1459 of 2021

WEB COPY

is too low and is totally insufficient to meet the basic needs of the petitioners herein, who have rendered more than three decades of service. Hence, learned counsel for the petitioners seeks indulgence of this Court to permit the petitioners to approach the respondent-Government seeking for enhancement of the special pension awarded under G.O.Ms.No.41, dated 29.08.2019, especially in the context of the fact that similarly situated persons are extended the benefit under Rule 11(2)(iv) of the Tamil Nadu Pension Rules. This aspect of the matter would definitely well within the domain of the Government and the Government is free to take decision basing upon the facts.

10. In the light of the above, this Writ Petition is disposed of permitting the petitioners to submit a representation for enhancement of special pension awarded under G.O.Ms.No.41, Social Welfare and Nutritious Meal Department, dated 29.08.2019 within a period of four weeks from the date of receipt of a copy of this order and on submission of such representation, the respondent-Government shall consider the same by duly taking into consideration the length of service rendered by the petitioners, the



W.P.(MD) No.1459 of 2021

cost of living and all relevant factors as may be raised by the petitioners in a representation and pass appropriate orders as expeditiously as possible, at any rate, within a period of four months thereafter. It is desired that the respondent-Government would consider the case of the petitioners on sympathetic ground and may also make a provision for enhancement of such pension from time to time depending upon the inflation as and when revision of pay takes place. No costs.

13.03.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

ABR

To

1.The Principal Accountant General (A&E),
Accountant General Department,
No.361, Anna Salai, Chennai-600 018.

2.The Secretary to Government,
Finance Department,
State of Tamil Nadu, Chennai.



WEB COPY



W.P.(MD) No.1459 of 2021

MUMMINENI SUDHEER KUMAR, J.

ABR

3.The Principal Secretary to Government,
Social Welfare and Nutritious Meal
Programme Department,
Secretariat, Chennai-600 009.

4.The Commissioner of Social Welfare,
Panagal Maaligai 2nd Floor,
Saidapet, Chennai-600 015.

W.P.(MD) No.1459 of 2021

13.03.2024