



W.P.(MD)No.6548 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.6548 of 2019

P.Selvadhas

: Petitioner

Vs.

1.The Secretary,

Municipal Administration & Water Supply Department,

Fort St. George,

Chennai – 600 009.

2.The Director of Town Panchayat,

Kuralagam,

Chennai – 600 108.

3.The Assistant Director of Town Panchayat,

Nagercoil,

Kanyakumari District.

4.The Executive Officer,

Karungal Selection Grade Panchayat,

Karungal,

Kanyakumari District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in letter Na.Ka.No.151/2018/A1 dated 22.06.2018 and quash the same and consequently direct the respondents to pay pension benefits after taking into account of 50% service period rendered prior to the petitioner's regularization with all monetary benefits.

For Petitioner : Mr.M.Karuppasamy

For Respondent No.1 : Mr.S.Kameswaran

Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned order dated 22.06.2018 passed by the fourth respondent rejecting the petitioner's request for grant of pensionary benefits after taking into account the 50% of the services rendered by him prior to the regularisation of his service with all monetary benefits.

2.The prayer sought for in this Writ Petition cannot be granted by this Court in view of the settled law as held by the Full Bench judgment of this Court dated 03.12.2019 passed in W.A.Nos.



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158 of 2016 batch and W.A.Nos.25 of 2017 batch. As per the aforesaid Full Bench judgment, it has been made clear that those Government servants who were appointed before the cut off date and later appointed under Rule 10(a)(i) of the Tamil Nadu State and Subordinate Service Rules, before 01.04.2003 and absorbed into regular service for the purpose of determination of qualifying service for pension are alone entitled to get pension.

3.It is also brought to the notice of this Court by the learned Government Advocate appearing for the respondents that the Full Bench decision of this Court referred to supra has been upheld by the Hon'ble Supreme Court on 12.08.2022 in S.L.P.No. 15406 of 2021.

4.In the case on hand, admittedly, the petitioner was regularised into service only on 23.06.2006 after the cut off date and therefore, the question of granting pensionary benefits to him after taking into account the 50% of the services rendered by him prior to his date of regularisation will not arise. The respondents have rightly rejected the petitioner's request under the impugned order. Hence, there is no merit in this writ petition.



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5. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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



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ABDUL QUDDHOSE, J.

MR

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