



W.P.(MD).No.20842 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20842 of 2024

H.Rajamohamed

... Petitioner

Vs.

1. The Secretary to Government,
State of Tamilnadu Finance (Pension)
Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Commissioner of Treasury Accounts,
No.571, Anna Salai,
Nandanam,
Chennai – 600 035.
3. The Principal Accountant General A&E,
Tamil Nadu,
No.361 – Anna Salai,
Chennai – 600 018.
4. The Assistant Treasury Officer,
District Treasury,
Tirunelveli – 627 009.
5. The Assistant Treasury Officer,
Sub – Treasury,
Ambasamudram,
Tirunelveli – 627 401.

... Respondents



W.P.(MD).No.20842 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.No.506228/2024/A2, dated 10.07.2024 and quash the same as being unlawful and further direct the second respondent to consider 50% of the service rendered from the initial appointment date of 10.06.1980 until the date of regularisation of the petitioner's service on 25.09.2008 along with the regular service period for issuance of pension and for grant of all consequential benefits and direct the third respondent to disburse the pension to the petitioner and due arrears within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Loganathan

For R1, R2,R4&R5 : Mr.S.Shaji Bino
Special Government Pleader

For R3 : Mrs.S.Mahalakshmi
Standing Counsel

ORDER

The instant writ petition has been filed challenging the order passed by the fourth respondent herein, wherein the request of the petitioner for payment of pension under the Tamil Nadu Pension Rules 1978 has been rejected. The petitioner has further prayed for a direction to consider his 50%



W.P.(MD).No.20842 of 2024

of the services from 10.06.1980 till the date of regularisation, namely, 25.09.2008, along with regular service for issuance of pension and for grant of consequential benefits.

2. Admittedly, the petitioner was appointed as a Part Time Masalchi on 10.06.1980. The petitioner's services were regularised under G.O.(Ms) No. 377 Finance (T&A) Department, dated 30.08.2008. A perusal of the said Government Order reveals that his regularisation is with effect from the date of Government Order.

3. The petitioner has attained superannuation on 28.02.2018. Thereafter, the petitioner has made a request for payment of pension, which has been rejected under the impugned order.

4. Though the petitioner was appointed in the year 1980, his services were regularised only with effect from 30.08.2008. In the judgement reported in ***2019 (6) CTC 705 (The State of Tamil Nadu, Represented by the Secretary to Government, School Education Department, Fort St.George, Chennai and two others Vs.P.Anbalagan and another)***, the Hon'ble Full



W.P.(MD).No.20842 of 2024

WEB COPY

Bench of this Court in Paragraph No.45 has categorically held that those Government servants, who were appointed before 01.04.2003 but were absorbed into regular services after 01.04.2003 will not be entitled to count part of the past services for the purpose of determination of qualified services for pension.

5. That apart, the petitioner's services between 10.06.1980 and 25.09.2008 is only part time services. Therefore, the question of calculating 50% of the said service would not arise.

6. In view of the above said facts, there are no merits in this writ petition. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

03.09.2024

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



W.P.(MD).No.20842 of 2024

WEB COPY To

1. The Secretary
Finance (Pension) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
2. The Commissioner of Treasury Accounts,
No.571, Anna Salai,
Nandanam,
Chennai – 600 035.
3. The Principal Accountant General A&E,
Tamil Nadu
No.361 – Anna Salai,
Chennai – 600 018.
4. The Assistant Treasury Officer,
District Treasury,
Tirunelveli – 627 009.
5. The Assistant Treasury Officer,
Sub – Treasury,
Ambasamudram,
Tirunelveli – 627 401.



WEB COPY



W.P.(MD).No.20842 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20842 of 2024

03.09.2024