



W.P.(MD)No.24040 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.24040 of 2017

T.Adbulkani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Revenue Department,
Fort St.George,
Chennai-9.

2.The Principal Accountant General (A&E),
Tamil Nadu Circle,
361, Anna Salai,
Teynampet,
Chennai-18.

3.The Tahsildar,
Sathur Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in



W.P.(MD)No.24040 of 2017

Ref: PEN26/1/12622723/Rn/16-17/ADK dated 18.01.2017 and consequential order of the 3rd respondent in O.Mu.No.A4/6729/2016 dated 27.11.2017, quash the same and consequently direct the respondents to count half of the service rendered by the petitioner in the post of Village Karnam from 07.06.1974 to 14.11.1980 in Sathur Taluk, Virudhunagar District along with his regular service rendered by him in the post of Village Administrative Officer from 01.09.1982 to 30.09.2006 for the purpose of revised full pension and consequently direct the respondents to pay revised pension together with arrears along with interest at the rate of 18% per annum.

For Petitioner : Mr.A.Rahul

For R-1 and R-3 : Mr.G.Suriya Ananth,
Additional Government Pleader

For R-2 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed challenging the order of the second respondent, dated 18.01.2017 and the consequential order of the third respondent, dated 27.11.2017 and consequently direct the respondents to count half of the service rendered by the petitioner in the post of Village Karnam from 07.06.1974 to 14.11.1980 in Sathur Taluk, Virudhunagar District for the purpose of full pension.



W.P.(MD)No.24040 of 2017

2. The issue on hand is now covered by the decision rendered by the Hon'ble Supreme Court in the case of ***M.Vargeese and others Vs. State of Tamil Nadu and Others*** in ***S.L.P (Civil) Diary No.15406 of 2021***, wherein, the Hon'ble Supreme Court has held as follows:

“42. The cut off date i.e. on or after 01.04.2003 in proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978, will not per se bar a person from getting pension if such a person had joined the service in accordance with the provisions of Tamil Nadu State and Subordinate Service Rules, i.e., in the cadre whether or temporary or permanent basis. Services rendered before the cut off date of 01.04.20023, can be added to the regular service only if the service was regularized before the said date for determining the qualifying service. Therefore, in our opinion, it would be appropriate to say that Rule 11 (4) gives the meaning of qualifying service rather than giving significance to cut off date. Therefore, it is clear that only if the appointment is in accordance with the Rules and such appointment is prior to 01.04.2003, 50% of the past service can be added along with the regular service.”

3. In the case on hand, admittedly, the petitioner was regularized in the post of Village Administrative Officer by the respondents only on 01.09.1982 and therefore, the question of granting relief as sought for in this Writ Petition does not arise. The Hon'ble Supreme Court has categorically held that the



W.P.(MD)No.24040 of 2017

services rendered before the regularization cannot be added to the regular service, since the date for determining the qualified service starts only from the date of regularization.

4. In view of the aforesaid facts, there is no merit in this Writ Petition and accordingly, the same stands dismissed. No costs.

02.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Fort St.George,
Chennai-9.
- 2.The Principal Accountant General (A&E),
Tamil Nadu Circle,
361, Anna Salai,
Teynampet,
Chennai-18.
- 3.The Tahsildar,
Sathur Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD)No.24040 of 2017

ABDUL QUDDHOSE, J.

TSG

W.P.(MD)No.24040 of 2017

02.09.2024