



**W.P.(MD).Nos.29060 to 26062, 29065 and
29068 to 29072 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.29060 to 29062, 29065 and 29068 to 29072 of 2024
and

W.M.P(MD) Nos.24620, 24623, 24624, 24635, 24638,
24663, 24652, 24654 and 24639 of 2024

W.P(MD) No.29060 of 2024:

L.Parthasarathy

... Petitioner

Vs.

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.

2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.

3. The District Collector,
Thoothukudi District,
Thoothukudi.

4. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents



**W.P.(MD).Nos.29060 to 26062, 29065 and
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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned P03/1/10326052, dated 24.12.2021 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29061 of 2024:

T.Nagarathinam
Vs.
... Petitioner

- 1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.



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3. The District Collector,
Thoothukudi District,
Thoothukudi.

4. The Block Development Officer,
Panchayat Union,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Order in PO3/3/10326377/ADK, dated 09.03.2022 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment i.e., 05.12.1990 and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29062 of 2024:

C.Kamala

... Petitioner

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Vs.

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Block Development Officer,
Project Director,
Mahalir Thittam,
Thoothukudi District.

... Respondents

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 of the impugned Order in Na.Ka.Va8/36101/2021, dated 02.03.2022 on the file of the third respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner : Mr.K.Vinoharan



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For R1	: Mr.Chamundi Bose Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29065 of 2024:

R.S.Mani

... Petitioner

Vs.

- 1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.
3. The District Collector,
Thenkasi District,
Tenkasi.
4. The Block Development Officer,
Kurivikulam,
Tenkasi District.

... Respondents

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 of the impugned Order in P03/2/10326082, dated 28.12.2021 on the



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file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.S.Mahalakshmi Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29068 of 2024:

S.Mariappan	Vs.	... Petitioner
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- 1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.
2. The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Chennai.
3. The Director of School Education,
College Road, Chennai.



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4. The District Educational Officer,
Sivagangai District.

5. The Chief Educational Officer,
Sivagangai.

... Respondents

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 of the impugned Order in P11/1/1130107/ADK, dated 19.06.2023 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment i.e., 17.12.1990 and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner : Mr.K.Vinoharan

For R1 : Mr.S.Mahalakshmi
Standing Counsel

For R2 and R3 : Mr.A.Baskaran
Additional Government Pleader

W.P(MD) No.29069 of 2024:

M.Ganesan

Vs.

... Petitioner

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.

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2. The Principal Secretary &
Transport Commissioner,
Transport Department,
Guindy, Chennai.

3. The Regional Transport Officer,
Kuthukalvalasai,
Madurai Road,
Tenkasi.

... Respondents

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 of the impugned Order in P12/1/11225421/ADK/399, dated 25.01.2023 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment i.e. 14.06.1989 and to revise the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

(Prayer is amended vide order of this Court dated 18.12.2024 in W.M.P(MD) No.25561 of 2024 in W.P(MD) No.29069 of 2024)

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader



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W.P(MD) No.29070 of 2024:

S.Neethirajan

... Petitioner

Vs.

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.

2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.

3. The District Collector,
Tirunelveli District,
Tirunelveli.

4. The Block Development Officer,
Nanguneri Panchayat Union,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

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 of the impugned Order in PO3/1/10330780/ADK, dated 13.11.2024 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

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For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.S.Mahalakshmi Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29071 of 2024:

R.Muruganandham

Vs.

... Petitioner

1. The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.

2. The State of Tamil Nadu,
Represented by its Secretary,
Rural Development Department,
Chennai.

3. The District Collector,
Thoothukudi District,
Thoothukudi.

4. The Block Development Officer,
Srivaikuntam Taluk,
Thoothukudi District.

... Respondents



**W.P.(MD).Nos.29060 to 26062, 29065 and
29068 to 29072 of 2024**

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Order in PO3/2/10329250/ADK, dated 29.12.2023 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner	: Mr.K.Vinoharan
For R1	: Mr.Chamundi Bose Standing Counsel
For R2 and R3	: Mr.A.Baskaran Additional Government Pleader
For R4	: Mr.G.Suriya Ananth Additional Government Pleader

W.P(MD) No.29072 of 2024:

K.Petchimuthu

... Petitioner

Vs.

1.The Principal Accountant General
(A& E)
No.361, Annasalai,
Chennai.



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2. The State of Tamil Nadu,
Represented by its Secretary,
Registration and Commercial Tax Department,
Chennai.

3. The Commissioner of Commercial Taxes,
Ezhilagam,
Chennai.

4. The Deputy Commissioner of State Tax,
AR Line Road,
Palayamkottai,
Tirunelveli District.

... Respondents

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 of the impugned Order in E51/3/15102099/ADK, dated 20.01.2022 on the file of the first respondent and quash the same and further directing the respondents to notionally fix the annual increments from the date of initial appointment i.e., from 30.09.1989 and to disburse the monetary benefits w.e.f. 24.06.1995 and further directing the respondents to revise the pensionary benefits and other retirement benefits.

For Petitioner : Mr.K.Vinoharan

For R1 : Mr.S.Mahalakshmi
Standing Counsel

For R2 and R3 : Mr.A.Baskaran
Additional Government Pleader



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COMMON ORDER

The instant Writ Petitions have been filed by the Junior Assistants/Typists challenging the impugned orders, wherein the request of the petitioners for notionally fixing their annual increment from the date of their initial appointment and for monetary benefits from 24.06.1995 have been rejected. The petitioners have further prayed for a direction to revise the pensionary benefits based upon G.O(Ms) No.89, Personnel and Administrative Reforms (P) Department, dated 28.07.2020.

2. The petitioners were initially appointed as Junior Assistants/Typists between 1989 and 1991. Thereafter, they were ousted from service for want of vacancy. The Government had taken a policy decision to absorb them by conducting a special qualifying examination through the Tamil Nadu Public Service Commission. Accordingly, a special qualifying examination was conducted on 24.06.1995. The petitioners herein had applied for the said examination and they have passed the said examination. However, the appointment orders were issued to the writ petitioners only in the year 1997. The petitioners had already attained superannuation.



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3. It is the grievance of the writ petitioners that the period during which they were out of employment, for no fault on their part, should have been taken into consideration as a qualifying service for the purpose of calculating pension and annual increment. Seeking the said benefits, the petitioners have given their representations to the authorities concerned. Since the representations were rejected, the present writ petitions have been filed.

4. According to the learned counsel appearing for the writ petitioners, the entire period between the date of initial appointment and the date of reappointment should be treated as service period. The learned counsel appearing for the petitioners had relied upon G.O(Ms) No.89, Personnel and Administrative Reforms (P) Department, dated 28.07.2020 and contended that as per the said Government Order, their services have to be regularised from the date of their initial appointment and the monetary benefits have to be disbursed with effect from 24.06.1995.

5. The learned counsel appearing for the petitioners has also relied upon the judgment of the learned Single Judge of this Court in a batch of writ



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petitions in W.P. Nos.34752 of 2022 etc., batch cases, dated 18.03.2024, wherein this Court has considered the case of a similarly placed employees wherein a direction has been issued to sanction retirement benefits by counting the period of service rendered by the petitioners therein, including the period of break in service with payment of revised pension and other retirement benefits.

6. Per contra, the learned Standing Counsel appearing for the first respondent and the learned Additional Government Pleader appearing for the respondents 2 to 5 and contended that the period of interruption shall not be counted as a qualifying service. They further contended that the petitioners were appointed only after two years from the date of conducting special examination. Therefore, the services of the petitioners can be calculated only from the date of their reappointment in the year 1997 and not from the date of the special examination. Hence, they prayed for dismissal of the writ petitions.

7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.



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8. It is not in dispute that the petitioners, who were temporarily appointed as a Junior Assistants/typists between 1989 and 1991 and ousted from service, have appeared in the special examination conducted by the Tamil Nadu Public Service Commission on 24.06.1995 and they have passed the said examination. However, appointment orders were issued to the writ petitioners only in February 1997. Therefore, there is no fault on the part of the writ petitioners for the non employment period between 24.06.1995 and the date of reappointment.

9. A perusal of the G.O(Ms) No.89, Personnel and Administrative Reforms (P) Department, dated 28.07.2020, reveals that in all cases where the candidates have passed the special qualifying examination, the services have to be regularised from the date of their initial appointment. That apart, they are entitled to get annual increments notionally from the date of their initial appointment. However, they will be entitled to monetary benefits only from 24.06.1995. In view of the above said Government Order it is clear that all the petitioners would be entitled to calculation of annual increment notionally from the date of their initial appointment. However, the monetary benefits could be disbursed only from 24.06.1995.



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10. In view of the above said deliberations, the orders impugned in the writ petitions are set aside and the respondents are directed to fix notional increment from the date of initial appointment of the writ petitioners and confer monetary benefits with effect from 24.06.1995. The concerned Head of the Departments are directed to forward the revised pension proposals to the Principal Accountant General Office within a period of twelve weeks from the date of receipt of a copy of this order.

11. With the above said observations, these Writ Petitions stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

18.12.2024

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

1.The Principal Accountant General
(A& E)
No.361, Annasalai, Chennai.

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2. The Secretary,
Rural Development Department,
Chennai.
3. The District Collector,
Thoothukudi District,
Thoothukudi.
4. The Block Development Officer,
Kovilpatti Panchayat Union,
Kovilpatti Taluk,
Thoothukudi District.
5. The Block Development Officer,
Panchayat Union,
Thoothukudi District.
6. The Block Development Officer,
Project Director,
Mahalir Thittam,
Thoothukudi District.
7. The District Collector,
Thenkasi District, Tenkasi.
8. The Block Development Officer,
Kurivikulam,
Tenkasi District.
9. The Secretary,
School Education Department,
Chennai.
10. The Director of School Education,
College Road, Chennai.



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11. The District Educational Officer,
Sivagangai District.
12. The Chief Educational Officer,
Sivagangai.
13. The Principal Secretary &
Transport Commissioner,
Transport Department, Guindy, Chennai.
14. The Regional Transport Officer,
Kuthukalvalasai,
Madurai Road, Tenkasi.
15. The District Collector,
Tirunelveli District,
Tirunelveli.
16. The Block Development Officer,
Nanguneri Panchayat Union,
Nanguneri Taluk,
Tirunelveli District.
17. The Block Development Officer,
Srivaikuntam Taluk,
Thoothukudi District.
18. The Secretary,
Registration and Commercial Tax Department,
Chennai.
19. The Commissioner of Commercial Taxes,
Ezhilagam, Chennai.
20. The Deputy Commissioner of State Tax,
AR Line Road, Palayamkottai,
Tirunelveli District.



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R.VIJAYAKUMAR,J.

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