



W.P.No.3327 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.3327 of 2019

R.Pavayee

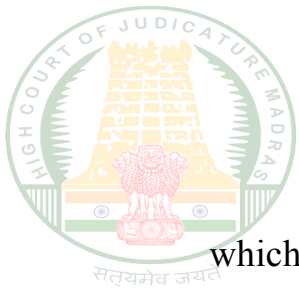
... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep by Principal Secretary to Government,
Backward Class, Most Backward Class &
Minority Department, Secretariat,
Chennai - 600 009.
2. The Commissioner / Director of Backward Classes
and Minorities Welfare,
Chennai - 600 005.
3. The District Backward Classes and Minorities
Welfare Officer,
Erode.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to take into account half of the services of the petitioner as cook from 25.08.1993 to 20.09.2007 along with her regular service from 21.09.2007 and to bring under the purview of the Tamil Nadu Pension Rules, 1978 and grant pensionary benefits under the said Rules and to desist from recovering any amount towards the new contributory pension scheme



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which came into force from 01.04.2003 and to refund the amounts recovered, if any.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.T.Chezhiyan, AGP

ORDER

This Writ Petition has been filed to direct the first respondent to take into account half of the services of the petitioner as cook from 25.08.1993 to 20.09.2007 along with her regular service from 21.09.2007 and to bring under the purview of the Tamil Nadu Pension Rules, 1978 and grant pensionary benefits under the said Rules and to desist from recovering any amount towards the new contributory pension scheme which came into force from 01.04.2003 and to refund the amounts recovered, if any.

2. Heard Mr.M.Ravi, learned counsel for the petitioner, Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner's services have been regularised on 21.09.2007 in the post of Cook by the proceedings of the third respondent dated 05.04.2010. The petitioner claims that she joined the service as Assistant



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Cook on 25.08.1993 on consolidated pay basis and continued to be in service till 20.09.2007. It is submitted that as per G.O.Ms.No.85, BC, MBC and Minorities Welfare Department dated 20.09.2007, the petitioner had been brought under regular time scale of pay with effect from 20.09.2007. Now, the petitioner claims that as per Proviso to Section 11(iv) of the Tamil Nadu Pension Rules, 1978, she is eligible to count her past services from 25.08.1993 to 20.09.2007 for the purpose of pension.

4. The learned Additional Government Pleader for the respondents submitted that the petitioner's regularisation has not taken effect before the cut off date of 01.04.2003 and hence, the petitioner cannot be given with the benefit as claimed.

5. The learned counsel for the petitioner submitted that there are judicial pronouncements to the advantage of the petitioner. But the respondent did not consider the same.

6. In such case, the petitioner is at liberty to submit a fresh



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representation along with the judicial pronouncement, if any, passed in favour of the petitioner.

7. In the result, this Writ Petition is disposed and the petitioner is at liberty to submit a fresh representation along with the judicial pronouncement, if any, passed in favour of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider the representation on merits and pass appropriate orders within a period of four weeks thereafter. No costs.

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

10.03.2025



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WEB COPY
To

- 1.The Principal Secretary to Government,
Backward Class, Most Backward Class &
Minority Department, Secretariat,
Chennai - 600 009.
- 2.The Commissioner / Director of Backward Classes
and Minorities Welfare,
Chennai - 600 005.
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R.N.MANJULA, J.

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