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W.A Nos. 3500 and 3475 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

CORAM

THE HON'BLE MR JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

W.A Nos. 3500 and 3475 of 2025

And

CMP.Nos. 28683 and 28426 of 2025

1.The State of Tamilnadu
Represented by its Secretary,
Revenue Department,
St.George Fort,
Chennai-600009.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Tahsildar,
Tiruchengodu Taluk Office,
Tiruchengodu,
Namakkal District

..Appellants in both
Writ Appeals

Vs

1.K.R.Sundaram

2.G.Natesan

..Respondent in
W.A.No.3500 of 2025
..Respondent in
W.A.No.3475 of 2025



W.A Nos. 3500 and 3475 of 2025

Prayer : These Writ Appeals are filed under Clause 15 of Letter Patent to set aside the common order dated 22.03.2024 passed in W.P. Nos. 2488 and 2489 of 2021.

For Appellants: Mr. M.Alagu Goutham, GA

(in both WAs)

For Respondents : No Appearance

(in both WAs)

COMMON JUDGMENT

(Made by **HEMANT CHANDANGOUDAR, J.**)

Since the issues involved in these writ appeals arise out of the common order dated 22.03.2024 made in W.P. Nos. 2488 of 2021 and 2489 of 2021, they were taken up, heard, and disposed of by this common judgment.

2. In these intra-Court appeals, the challenge is to the order passed by the learned Single Judge allowing the writ petitions and directing the appellants to compute the qualifying service of the respondents/writ petitioners by adding 50% of their past services—namely, from 06.02.1982 to 31.05.2013 and from 31.10.1971 to 31.08.2009, respectively—to their services rendered from 01.06.1995 to 31.05.2013 and from 01.06.1995 to 31.08.2009, respectively, for



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the purpose of granting family pension under Rule 9(2) of the Tamil Nadu Village Assistant Pension Rules, 1995.

3. The writ petitioner in W.P. No. 2488 of 2021, who is the respondent in W.A. No. 3500 of 2025, was appointed as Village Assistant on 06.02.1982 and retired from service in that post on 31.05.2013. The writ petitioner in W.P. No. 2489 of 2021, who is the respondent in W.A. No. 3475 of 2025, was appointed as Village Assistant on 31.10.1971 and retired on 31.08.2009. Their services were regularised as per G.O.(Ms) No. 625, Revenue Department, dated 06.07.1995, with effect from 01.06.1995, in the cadre of Village Assistant, and they continued in service until their retirement. However, only the period from 01.06.1995 until their respective dates of retirement was taken into account for calculating pension, which constrained them to approach this Court.

4. The learned Single Judge, placing reliance on the common order passed in W.P. Nos. 12033 and 19055 of 2020 dated 15.03.2024 wherein this Court directed the addition of 50% of past service as Village Assistant rendered prior to regularisation for pension computation—allowed the writ petitions. Aggrieved, the State has filed these writ appeals.



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5. Mr. M. Alagu Goutham, learned Government Advocate for the appellants, submitted that the respondents/writ petitioners were engaged as Village Assistants only on a part-time basis and not in a regular full-time cadre, and therefore their pre-regularisation service cannot be reckoned for pension. He relied on Rule 4(1) of the Tamil Nadu Village Assistant Pension Rules, 1995, to contend that only full-time service can be taken into account, and therefore, the impugned order is legally unsustainable.

6. Heard the submissions of the learned Government Advocate for the appellants and perused the materials placed on record.

7. The learned Single Judge relied upon the judgment of a coordinate Bench of this Court wherein, in the case of similarly placed Village Assistants, a direction was issued to include 50% of their past services rendered prior to regularisation for pension computation.



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8. The Full Bench of this Court, in W.A. No. 158 of 2016 and connected cases, by order dated 03.12.2019, authoritatively held that where a Government servant has rendered service in a non-provincialised post or on consolidated pay, honorarium, or daily wage basis, and such service was regularised prior to 01.04.2003, 50% of the said service shall be counted for the purpose of pensionary benefits.

9. In the present case, the respondents/writ petitioners' services were regularised in 1995 well before 01.04.2003. Therefore, the legal principle laid down by the Full Bench squarely applies to these cases. Though the appointment was nomenclatured as part-time, the Village Assistants in fact performed full-time duties. The respondents/writ petitioners are consequently entitled to have 50% of their past services, rendered prior to regularisation, added for computing their qualifying service for pension. The learned Single Judge has correctly applied this principle, and we find no reason to interfere with the impugned order.



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10. In the result, these writ appeals are dismissed. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs.

(R.S.K.,J)

(H.C., J)

24.11.2025

Index : Yes / No

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