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W.A.Nos.2601, 2714, 2611, 2688,
2663, 2612 & 2674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.Nos.2601, 2714, 2611, 2688, 2663, 2612 & 2674 of 2025

[W.A.No.2601 of 2025]

1. The State of Tamil Nadu
Rep. by Secretary to Government
Social Welfare and Noon Meal Programme
(NM4-2) Department, Fort St. George
Chennai – 9.
2. The Additional Chief Secretary to Government
Finance (Pay) Department
Fort St. George, Chennai – 9.
3. The Director of Social Welfare and Noon Meal Programme
II Floor, Panagal Building
Saidapet, Chennai – 15.
4. The District Collector
Kancheepuram District, Kancheepuram. .. Appellants

Vs.

S. Kumar .. Respondent

Prayer in W.A.No.2601 of 2025: Appeal filed under Clause 15 of the Letters Patent, against the order dated 25.03.2024 made in W.P.No.20807 of 2022.

For the Appellants : Mr.M.Sureshkumar
in all W.As Additional Advocate General
assisted by Mr.E.Veda Bagath Singh
Special Government Pleader



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For the Respondents : Mr.K.Venkataramani
in all W.As Senior Counsel
for Mr.M.Muthappan

COMMON JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

Since all these writ appeals have arisen out of a common order passed by the Writ Court dated 25.03.2024 made in W.P.No.11411 of 2022 and etc. batch, all these writ appeals were heard together and are disposed of by this common order.

2.1. That it is the case of the respondents/writ petitioners that they have entered into service in the '90s on temporary basis at the Noon Meal Department, which had subsequently been brought under the Social Welfare Department, where, some posts have been created in each of the Panchayat Union, that is Block, where all these people subsequently have been posted.

2.2. From the date of their initial appointment, they have been continuously working for more than a decade and therefore, according to the respondents/writ petitioners, their services should have been regularized on completion of two years probation, as stated by *Mr.K.Venkataramani*, learned Senior Counsel, appearing for the respondents/writ petitioners.



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3. When this stand was taken by the respondents/writ petitioners before the Writ Court, having accepted the said stand, the learned Writ Court has allowed all those writ petitions, thereby, directions have been given to regularize the services of all of them on completion of the ten years' service period from the date of their initial appointment and by thus, since such ten years' service period, according to the learned Writ Court, was over as early as in the year 2001 or 2002, that is well before 01.04.2003, the cut-off date from when the New Pension Scheme has been implemented, they are all entitled to get pensionary benefits under the Old Pension Scheme covered under the Tamil Nadu Pension Rules, 1978.

4.1. But, it is the definite case of the appellant Department that, there were eight writ petitioners and out of these eight writ petitioners, the writ petitioners in W.P.Nos.11411, 11413 and 11415 of 2022, namely, *Bhavani*, *R. Devaki* and *M. Saraswathi*, were appointed on 26.06.1991, 13.01.1992 and 20.06.1991 respectively. With regard to the remaining five persons, including the four respondents herein in various writ appeals, they were initially engaged on temporary basis either in the year 1997 or 1999



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and in the case of one *S.K. Uma*, who is the writ petitioner in W.P.No.20813 of 2022, she was only engaged in the year 2001.

4.2. Therefore, under the benefits provided by the Government by taking a policy decision, as reflected in G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 28.02.2006¹, those who have completed ten years of temporary service would be entitled to get absorbed or regularized. Assuming that the import of G.O.Ms.No.22 is applied to the case of these writ petitioners, except the first three writ petitioners (*Bhavani, R. Devaki* and *M. Saraswathi*), the remaining people would get such regularization only on completion of ten years period, that is either in the year 2007 or in the year 2009 or in one case, it is 2011. Therefore, all the remaining people, except the first three writ petitioners (*Bhavani, R. Devaki* and *M. Saraswathi*), are not entitled to get pensionary benefits under the Old Pension Scheme, as they are not regularized well prior to 01.04.2003.

4.3. This is the premise of the case projected by the appellant Government and this projection has not been considered in proper perspective by the learned Writ Court, according to

¹ For brevity, hereinafter referred as "G.O.Ms.No.22"



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Mr.M.Sureshkumar, learned Additional Advocate General appearing for the appellants, as the Writ Court has taken as if that all the writ petitioners were engaged either in the year 1991 or 1992 and therefore, they have completed ten years' service period well before 01.04.2003, accordingly, all the writ petitioners were entitled to get regularization and get pension under the Old Pension Scheme, such an erroneous approach, according to the learned Additional Advocate General, is to be interfered with. That is the reason why this batch of writ appeals have been directed by the State, he contended.

5. We have heard *Mr.K.Venkataramani*, learned Senior Counsel appearing for the respondents/writ petitioners, who would fairly submit that, except the first three writ petitioners, namely, *Bhavani, R. Devaki* and *M. Saraswathi*, who were engaged in the year 1991 or in 1992, the remaining writ petitioners were engaged only in the year 1997 or 1999 and in respect of one *S.K. Uma*, she was engaged only in the year 2001. When that being the initial engagement period, assuming that the import of G.O.Ms.No.22 is made applicable to the case of the writ petitioners, even then, except the first three writ petitioners (*Bhavani, R. Devaki* and *M. Saraswathi*), the remaining writ petitioners would not complete



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the ten years' service period prior to 01.04.2003. Therefore, if at all they get regularized by invoking the import of G.O.Ms.No.22, even then, they may not be entitled to get any pensionary benefits under the Old Pension Scheme, however, they may be included under the New Pension Scheme, for which, the contributory pension scheme could be adopted against them.

6. This factual matrix has not been considered by the learned Judge in proper perspective while deciding the batch of writ petitions, as the learned Writ Court has proceeded under the premise that all of them, that is all the writ petitioners, have been engaged either in the year 1991 or 1992, however, the fact remains a different one, where, only three writ petitioners (*Bhavani, R. Devaki* and *M. Saraswathi*) have been engaged, as stated *supra*, in the year 1991 or 1992 and the remaining people were engaged only thereafter, that is starting from 1997 till 2001.

7. In order to have a ready reference of the dates of initial appointments of these writ petitioners, the following table, as filed by the appellant Department, is extracted hereunder:-



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S.No.	Petitioner Name	Writ Petition Number	Appointment Date	Para No. (Writ Affidavit)
1	Bhavani	11411 of 2022	26.06.1991	3
2	R. Devaki	11413 of 2022	13.01.1992	3
3	M. Saraswathy	11415 of 2022	20.06.1991	3
4	S. Kumar	20807 of 2022	03.07.1997	3
5	A. Thirumanimuthu	20811 of 2022	01.03.1999	3
6	RV. Senthilkumar	20812 of 2022	12.04.1999	3
7	S.K. Uma	20813 of 2022	04.07.2001	3
8	D. Sadasivam	20814 of 2022	05.06.1999	3

8. The aforesaid table would clearly disclose that the first three writ petitioners (*Bhavani*, *R. Devaki* and *M. Saraswathi*) are entitled to get regularization on completion of ten years' service period either in the year 2001 or in 2002. Therefore since they became eligible to get regularized prior to 01.04.2003, their regularization shall date back from the date of completion of ten years' service period from the date of initial engagement. In that case, no doubt, they are entitled to get included under the Old Pension Scheme, thereby, they are entitled to get pension and gratuity etc.



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9. Insofar as the remaining writ petitioners are concerned, as their completion of ten years' service period starts from the year 2007-2011, they would be entitled to get regularized on completion of ten years' service period from their initial engagement, thereby, such completion of ten years' service period would be after 01.04.2003 and certainly, they would not be entitled to get pensionary benefits under the Old Pension Scheme and they may be included in the Contributory Pension or New Pension Scheme.

10. The needful, as indicated above as per the modified order, shall be undertaken by the appellant Government within a period of three months from the date of receipt of a copy of this order. It is also brought to our notice by the learned Additional Advocate General appearing for the appellants that, insofar as the first three writ petitioners (*Bhavani, R. Devaki and M. Saraswathi*) are concerned, the pension benefits, under the New Pension Scheme, has been settled. If it is so, after adjusting the amount already been settled under the New Pension Scheme, the remaining amount can be calculated under the Old Pension Scheme and be paid to them within the time stipulated hereinabove.



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11. To that extent, the order passed by the learned Judge is hereby modified and accordingly, all these writ appeals are disposed of on the aforesaid terms. However, there shall be no order as to costs. Consequently, C.M.P.Nos.20784, 20862, 20877, 21435, 21471, 21595 & 21821 of 2025 are closed.

(R.S.K., J.) (H.C., J.)
09.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
(drm)

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