

W.P. No. 13541 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 13541 of 2019

Palaniamma

... Petitioner

-VS-

1. Government of Tamil Nadu,
Rep. by its Principal Secretary,
Energy Department,
Secretariat,
Chennai-9.
2. The Chairman cum Managing Director,
TANGEDCO/TNEB,
No.800, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer (Personal),
TANGEDCO/TNEB,
No.800, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
TANGEDCO/TNEB,
Dharmapuri-5,
Dharmapuri District.
5. The Executive Engineer,
Hosur Division O & M,
TANGEDCO/TNEB,
Hosur.



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6. The Assistant Engineer,
Hosur South Section O & M,
TANGEDCO/TNEB,
Hosur,
Krishnagiri District.

7. The Accountant General of Tamilnadu,
Office of the Accountant General,
Anna Salai, Teynampet,
Chennai-18.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the respondents to count half of the service rendered by the petitioner's husband, viz., N.Chinnannachari as Mazdoor on consolidated pay from 01.01.1985 to till 08.09.2007 along with regular service rendered by him as Mazdoor from 09.09.2007 to 24.05.2014 as qualifying service for pensionary benefits and send the proposal to the seventh respondent for granting family pension with all consequential monetary benefits.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.S.Rajesh,
Government Advocate (for R1)

Mr.M.Fakkir Mohideen,
Standing Counsel (for R2 to R6)

Mr.P.Manorajan,
Standing Counsel (for R7)



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ORDER

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The writ petition has been filed for directing the respondents to count half of the service rendered by the petitioner's husband, viz., N.Chinnannachari as Mazdoor on consolidated pay from 01.01.1985 to till 08.09.2007 along with regular service rendered by him as Mazdoor from 09.09.2007 to 24.05.2014 as qualifying service for pensionary benefits and send the proposal to the seventh respondent for granting family pension with all consequential monetary benefits.

2. In this regard, it is relevant to refer the orders passed by the Co-ordinating Bench of this Court in the batch of writ petitions in W.P. No.2078 of 2018 etc., batch dated 13.02.2020. In those writ petitions, where similar relief has been claimed by the similarly placed persons, orders have been passed in the light of the judgment of the Full Bench rendered in W.A. No. 1218 of 2018 etc., batch dated 10.02.2020 more specifically para No.45 of the said order and the same has been extracted as under:-

“45. In the light of the above, we answer the reference as follows:

(i) Those, who are freshly appointed on or after 1.4.2003



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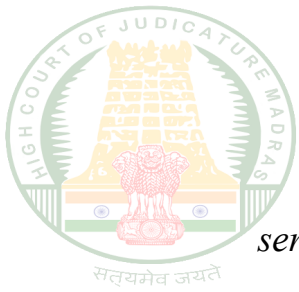
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are not entitled to Pension in view of Proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259, dated 6.8.2003.

(ii) Those Government servants/Employees appointed prior to 1.4.2003 whether on Temporary or Permanent basis in terms of Rule 19(a)(i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get Pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a Government Employee/servant had also rendered service in Non-Provincialised service, or on Consolidated pay or on Honorarium or Daily Wage basis and if such services were regularised before 1.4.2003, half of such service rendered shall be counted for the purpose of conferment of Pensionary benefits.

(iv) Those Government servants, who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules before 1.4.2003 and absorbed into Regular service after 1.4.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying



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service for Pension.

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(v) Those Government servants, who were appointed in the aforesaid four categories before 1.4.2003 but were absorbed in Regular service after 1.4.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for Pension."

3. In view of the same, the similar batch of writ petitions have been disposed by giving the following order:-

"8. Accordingly, all the Writ Petitions are disposed of in terms of paragraph 45 of the Full Bench judgment that has been referred supra, and it shall be made applicable as per the respective categories involved in each of the Writ Petition. If the respondents find that the petitioners are fulfilling the requirements as contained in the judgment of the Full Bench, consequential benefits shall be granted without driving the petitioners back to the Court for claiming the same. In all the Writ Petitions, the respective respondents shall take a decision and pass appropriate orders within a period of three months from the date of receipt of a copy of this order."



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WEB 4. COPY Since the writ petitioner is also similarly placed, this writ petition is also disposed in the same line. If the respondents find that the petitioner is fulfilling the requirements as contained in the judgment of the Full Bench, consequential benefits shall be granted to him without driving him back to the Court to raise another dispute. So the respondents shall take a decision and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the writ petition is disposed. No costs.

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Internet: Yes/No

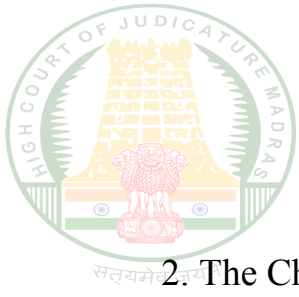
Speaking /Non-speaking order

Neutral Case Citation : Yes/No

Maya

To

1. The Principal Secretary to Government of Tamil Nadu,
Energy Department,
Secretariat,
Chennai - 600 009.



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2. The Chairman cum Managing Director,
TANGEDCO/TNEB,
No.800, Anna Salai,
Chennai - 600 002.
3. The Chief Engineer (Personal),
TANGEDCO/TNEB,
No.800, Anna Salai,
Chennai - 600 002.
4. The Superintending Engineer,
Dharmapuri Electricity Distribution Circle,
TANGEDCO/TNEB,
Dharmapuri-5,
Dharmapuri District.
5. The Executive Engineer,
Hosur Division O & M,
TANGEDCO/TNEB,
Hosur.
6. The Assistant Engineer,
Hosur South Section O & M,
TANGEDCO/TNEB,
Hosur,
Krishnagiri District.
7. The Accountant General of Tamilnadu,
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R.N.MANJULA, J.

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