IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.08.2025

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

L.P.A.No.20 of 2025
and CMP No.12442 of 2025

Mr.K.Nandhakumar, IAS
The Secretary to Government,
Department of Personnel, Pension and Grievances,
Fort St. George,
Chennai-600 009.
(Now formerly Personnel and Administrative
Reforms Department) .. Appellant

vs

1.Rajamma

2.Ms.P.Vijaya, IA & AS.,
The Accounts Officer,
Office of the Principal Accountant General
(Accounts & Entitlement),
Tamil Nadu, Chennai. .. Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent against the order dated 14.03.2025 made in Contempt Petition No.2928 of 2023.

For Appellant : Mr.S.Senthil Murugan
Special Government Pleader

For Respondents : Mr.V.Vijay Shankar (for R2)

JUDGMENT

(Delivered by Dr. ANITA SUMANTH.,J)

This Letters Patent Appeal arises in strained circumstances.

2. The first respondent had filed W.P.No.30644 of 2022 challenging an order passed by the Tahsildar, Denkanikottai and seeking a consequential direction for pension from the date of retirement of her husband with effect from 30.06.2004 and grant of family pension to the petitioner after the date of his demise i.e. on and from 14.06.2006. That writ petition came to be allowed on 23.06.2023 and the operative portion of that order is as follows:

> *'6. In the light of the above observations, the order impugned in the present Writ Petition dated 24.06.2022 is quashed. Consequently, the first respondent herein is directed to consider the petitioner's representation and pass positive orders counting 50% of his services from the date of initial appointment, along with regular services rendered by him as Village Assistant. Thereafter, the first respondent herein shall send the revised pension proposal to the third respondent herein, atleast within a period of eight weeks from the date of receipt of a copy of this order, who in turn shall consider the same as expeditiously as possible, in any event, within a period of four weeks therefrom. The petitioner is also called upon to*

give a copy of his representation, which is claimed to have been already sent to the first respondent herein, along with a copy of this order.'

3. As against the same, an appeal was filed by the Secretary to Government, Department of Personnel, Pension and Grievances/A1, Commissioner of Revenue Administration/A2, District Collector, Krishnagiri/A3, Sub Collector, Hosur/A4 and Tahsildar, Denkanikottai/A5. That appeal came to be rejected vide order dated 25.11.2024 confirming the order passed by the writ court and the operative portion of that order, that relies on the decision of the Full Bench of this Court in *Government of Tamil Nadu and Ors. v. R.Kaliyamoorthy* (W.A.No.158 of 2016, dated 03.12.2019) is as follows:-

> '.......
>
> *4.3. Therefore, in unequivocal terms, the Full Bench has held that if a person has entered into service prior to 2003, either by way of non-provincialised service or consolidated pay or on honorarium or on daily wage basis, such service is regularised prior to 01.04.2003, certainly, the 50% of the past service rendered by the employee shall be calculated for the purpose of pensionary benefits.*
>
> *5.1. Here, in the case in hand, the employee (husband of the writ petitioner) entered into service admittedly in the year 1974 and he has been continuously in service and in the year 1995, his service has been regularized and he has been brought under regular time scale of pay and thereafter, he retired from service. Therefore, in all fours, the 50% of the past service rendered by him right from inception, that is from the very admission of the employee concerned,*

could be taken into account for the purpose of calculating pensionary benefits.

5.2. When that being so, the service rendered by the employee from 1974 to 1995, that is 50% of the past service, being denied for the purpose of calculating the pensionary benefits, will go directly against the dictum of the Full Bench, especially, paragraph 45(iii) of the Full Bench judgment cited supra.

5.3. Hence, apart from the reasons that has been cited by the learned Single Judge in allowing the writ petition, for the aforesaid legal position in the context of the Full Bench judgment cited supra, we have no hesitation in holding that the denial of 50% of the past service rendered by the employee for the purpose of calculating the pensionary benefits is unsustainable. Therefore, we find no error apparent in the judgment of the learned Single Judge, which is impugned herein.

6. In the result, the writ appeal fails, hence, stands dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.3893 of 2024 is closed.'

4.In the meantime, the first respondent had sought compliance with the directions of the writ Court and had moved Contempt Petition No.2928 of 2023. After several hearings, statutory notice had been issued on 14.02.2025, returnable 14.03.3025. It is as against that order, that the present Letters Patent Appeal has been filed.

5.The grounds of appeal indicate a challenge to the merits of the matter itself in terms of entitlement of the first respondent to the pension/family pension.

6.These arguments cannot be countenanced for the reason that the

State has filed a Special Leave Petition challenging the order dated 25.11.2024, but the same is yet only in the stage of delay condonation under diary number (Diary No.17250 of 2025). Hence, the order of writ Court stands as on date.

7.More importantly, and this is the ground that has been urged before us by the State represented by learned Additional Advocate General and by the learned Government Advocates, the appellants state that they have been unnecessarily impleaded in the writ petition and that they are neither necessary nor proper parties to the lis.

8.We reject this contention for several reasons. Firstly, according to the appellant before us, the Secretary to Government, Department of Personnel, Pension and Grievances, the proper Department to have been arrayed would have been the Disaster Management Department. To this end, a miscellaneous petition had been filed before the Writ Court seeking deletion of their name from the cause title. However, that request has not been accepted and that order has been confirmed in appeal.

9.Secondly, and this is all the more fundamental, to a citizen, the State is a unified organ that is singularly responsible for addressing the grievances of a citizen, all the more in a welfare State such as ours. Undoubtedly, it is necessary that parties that are germane to a cause of action must be impleaded as proper and necessary parties. However, as the request for deletion from the array has not been successful and the order fastening liability on this appellant has become final, nothing further remains to be said.

10.To us, it appears that this submission is merely a ruse to get away from complying with the directions of the writ Court. The impression of the Court as aforesaid was put to the State at the very earliest, and faced with this position, the State has proceeded to effect compliance. On 29.07.2025 we had recorded as follows:

> *'We are given to understand that the process of compliance is on-going and nearly done. The sanction of the Accountant General, who is represented by Mr.Vijay Shankar, learned counsel, has been issued on 28.07.2025 and hence, Mr.Ravindran, learned Additional Advocate General assisted by Mr.S.Senthil Murugan, learned Special Government Pleader would assure the Court that the payment will be made within a week from today.*
>
> *2. List on 06.08.2025 under the same caption. We make it clear that no further extensions will be granted.'*

11.Today, Mr.S.Senthil Murugan, learned Special Government Pleader states that the Family Pension arrears from 14.06.2006 to 31.07.2025 of a sum of Rs.12,58,477/- has been credited into the account of first respondent/Tmt.Rajamma in bank account No.6311123880 on

01.08.2025.

12.Recording the same, and as nothing further survives in this Letters Patent Appeal, the same is closed. No costs. Connected miscellaneous petition is also closed.

[A.S.M., J] [N.S., J]
06.08.2025

Index:Yes
Speaking Order
Neutral Citation:Yes
vs

To

The Accounts Officer,
Office of the Principal Accountant General
(Accounts & Entitlement),
Tamil Nadu, Chennai.

DR. ANITA SUMANTH, J.
and
N.SENTHILKUMAR, J.

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