



WEB COPY

W.A.No.2510 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

JUDGMENT RESERVED ON : 07 / 10 / 2025

JUDGMENT DELIVERED ON: 29 / 10 / 2025

CORAM:

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE R.SAKTHIVEL**

W.A.NO.2510 OF 2022

C.Gajendran

...

Appellant /
Petitioner

Versus

- 1.The District Collector,
Tiruvallur District,
Thiruvallur – 602 001.
- 2.The Accountant General,
Accounts and Entitlement,
Nandanam, Chennai – 600 018.
- 3.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur – 602 001.
- 4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai – 600 056.

...

Respondents /
Respondents



W.A.No.2510 of 2022

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the Common Order dated April 11, 2022 passed by the learned Single Judge of this Court in W.P. No.8778 of 2022.

For Appellant : Mr.M.V.Seshachari

For Respondents : Mr.G.Ameedius
1, 3 and 4 Government Advocate

J U D G M E N T

R.SAKTHIVEL, J.

Feeling aggrieved by the Common Order dated April 11, 2022 passed by the learned Single Judge in W.P. No.8778 of 2022 (part of a batch), whereby the writ petition was dismissed, the writ petitioner therein has preferred the present writ appeal.

2. For the sake of convenience, hereinafter, the parties will be referred to as per their rank in the writ petition.

3. The writ petitioner filed the writ petition seeking a writ of mandamus directing the respondents to refix his pension in accordance with G.O. No.408 - Finance (Pension) Department - dated August 25, 2009 and pay the enhanced pension with accumulated arrears.



W.A.No.2510 of 2022

4. Upon hearing either side, the learned Single Judge of this Court, relying on an Hon'ble Division Bench Judgment (Madurai Bench) of this Court made in *State of Tamil Nadu -vs- E.Balachandran*, reported in *2021 SCC OnLine Mad 982*, dismissed the writ petition. In *E.Balachandran's Case*, Hon'ble Division Bench inter alia had held that the Village Headmen (Talayaris) were appointed on a part-time basis decades ago. Tamil Nadu Village Servants Service Rules 1980 and Tamil Nadu Village Service Conduct Rules, 1983 classified them as part-time employees. On their representation, their service was regularised as full-time employment from June 1, 1995 vide G.O. Ms. No.625 / Revenue Department dated July 6, 1995. The Village Assistants whose service were part-time and unregularized before June 1, 1995, do not satisfy the conditions enumerated under Rule 11 (3) and (4) of the Tamil Nadu Pension Rules, 1978. Hence, the Village Assistants are not entitled to count their past service rendered before June 1, 1995 as qualifying service for the purpose of pensionary benefits. This was the ratio laid down by the Hon'ble Division Bench.

5. Mr.M.V.Seshachari, learned Counsel appearing for the writ petitioner would submit that the writ petitioner was appointed as Village



W.A.No.2510 of 2022

Assistant of Poonamalle Village from December 24, 1990 to April 5, 1993

on temporary basis. Thereafter, he was re-appointed to the said post on April 5, 1994. His employment was regularised with effect from June 1, 1995 in the time scale of pay. He retired from service on September 30, 2013 on superannuation. He further submits that as per G.O. (Ms) No.408 - Finance (Pension) Department dated August 25, 2009, half of the writ petitioner's period of service prior to June 1, 1995 i.e., the period from December 24, 1990 to April 5, 1993 and the period from April 5, 1994 to May 31, 1995, must be taken into account for calculating the qualified period of service for the purpose of pensionary benefits. Hence, the writ petitioner sent representation dated January 6, 2022 to the fourth respondent and the receipt of the same was acknowledged by fourth respondent. The request of the writ petitioner was not acceded to and hence the writ petition. The learned Single Judge erred in finding that Village Assistant Post before June 1, 1995 was a part-time post and part-time employment period does not qualify as qualifying service for the purpose of reckoning pensionary benefits. The learned Single Judge did not consider various Judgments of this Court, including that dated August 2, 2018 made in *S.Chinnakaruppan -vs- State of Tamil Nadu* in *W.P.*



W.A.No.2510 of 2022

(MD) No.23520 of 2016. The learned Counsel would make reliance on the

Judgment of this Court in ***Government of Tamil Nadu -vs- R.Kaliyamoorthy*** reported in **2019 (6) CTC 705** in support of his submissions. Accordingly, he would pray to allow the writ appeal.

6. On the other hand, Mr.G.Ameedius, learned Government Advocate appearing for Respondent Nos.1,3 and 4 would submit that the Village Assistants who were appointed before June 1, 1995 were under part-time employment and they were governed by the Tamil Nadu Village Servants Service Rules, 1980 and the Tamil Nadu Village Servants Conduct Rules, 1983. Conjoint reading of Rule 14 of the Tamil Nadu Village Servants Service Rules, 1980 and Rule 2 (3) of the Tamil Nadu Village Servants Conduct Rules, 1983 would make it abundantly clear that the post of Village Assistants were part-time posts before regularisation from June 1, 1995. Further, he would submit that as the writ petitioner was regularised from June 1, 1995, the Tamil Nadu Village Assistants Pension Rules, 1995 would apply to the writ petitioner, under which, only the regularised / full-time period can be taken into consideration for reckoning pensionary benefits. The authorities rightly reckoned the qualifying period



and the learned Single Judge rightly dismissed the writ petition. There is no warrant to interfere with the same. Accordingly, he would pray to dismiss the writ appeal.

7. Heard the rival submissions. Perused the materials placed on record. The following points arise for consideration in this writ appeal:

- (i) Whether the service rendered by the writ petitioner before his regularisation from June 1, 1995 is under part-time employment or full-time employment ?
- (ii) Whether half of the service rendered by the writ petitioner in two stints before his regularisation on June 1, 1995 is 'qualifying service' for the purpose of reckoning his pensionary benefits ?
- (iii) Whether the G.O.(Ms).No.408 / Finance (Pension) Department dated August 25, 2009 and the consequently amended Rule 11 (4) of the Tamil Nadu Pension Rules, 1978 would benefit the claim of the writ petitioner ?

Point No.(i)

8. The writ petitioner annexed a photocopy of the proceedings of the Sriperumbudur Taluk Tahsildhar dated April 5, 1994, which reveals



that the writ petitioner was initially appointed on December 24, 1990 as the Village Assistant of Poonamalle Village and served up to April 5, 1993 on temporary basis. Thereafter, on April 5, 1994, he was permanently appointed in the said post. The proceedings of the Sriperumbudur Taluk Tahsildhar in Na.Ka.11560 of 1993 dated April 5, 1994 is silent on under which authority / Act / Rule the appointment was made. It is also silent on the aspect of whether the post of Village Assistant was a part-time post or a full-time post. Considering the date of appointment, he could have been appointed only under the Tamil Nadu Village Servants Service Rules, 1980.

9. The Tamil Nadu Village Servants Service Rules, 1980 came into force with effect from January 21, 1981. Rules 13 (1), 14 (1) and 16 thereof are relevant and they read thus:

'13.Tenure of office.- (1) A Village Servant on attaining the age of sixty years shall retire and shall not be retained in service:

Provided that the Government may require a Village Servant to retire, at any time after he has completed thirty years of service, provided that the appointing authority shall give in this behalf a notice



in writing to the Village Servant at least three months before the date on which he is required to retire.

... ..

14. Amount to be paid on retirement. - (1) Every person who ceases to hold the post of part-time Village Servant by reason of sub-rule (i) of rule 13, shall be paid an amount for the total service put in by him as part-time Village Servant and such amount shall be determined in accordance with the provision of sub-rule (2).

... ..

16. Fundamental Rules and the Tamil Nadu Leave Rules, 1978, etc., not to apply.- (1) The provisions of the Fundamental Rules and the Tamil Nadu Leave Rules, 1978, shall not apply to the Village Servants.'

10. Further, Rules 2 and 3 of the Tamil Nadu Village Servants Conduct Rules, 1983 reads as follows:

'2.Tamil Nadu Government Servants' Conduct Rules to apply.- The Tamil Nadu Government Servants' Conduct Rules, 1960, as amended, from time to time, shall apply to the Village Servants subject to the modification specified in rule 3.

3.Private trade or employment.- The Village



Servants being part-time Government servants, may take up part-time work or occupation:

Provided that -

(1) such part-time work or occupation shall not interfere with their legitimate duties as village servants; and

(2) the previous permission, in writing, has been applied for and obtained from the Revenue Divisional Officer concerned if the work or occupation is confined to the charge village and from the District Collector concerned, if the work or occupation extends beyond the charge village. '

11. Though the Village Assistant were regularised from June 1, 1995, the special rules, which form Section 53 in Volume III of the Tamil Nadu Service Manual, 1987, were framed only on June 17, 1998 vide G.O. Ms. No.521 / Revenue Department in supersession of Tamil Nadu Village Servants Service Rules, 1980, by exercising the powers conferred under Article 309 of the Constitution of India. The said special rules are deemed to have come into force retrospectively from June 1, 1995. Rule 8 thereof reads thus:

'8. Conversion of Part time Village Assistants



WEB COPY



W.A.No.2510 of 2022

Part time Village Servants appointed-

i) under the Tamil Nadu proprietary Estates Village Service Act 1894 (Tamil Nadu Act II of 1984) or the Tamil Nadu Hereditary Village Officers Act, 1895 (Tamil Nadu Act III of 1895) and who continue to hold office by virtue of sub-section (3) of Section 2 of the Tamil Nadu proprietary Estates Village Service and the Tamil Nadu Hereditary Estates Village Officers (Repeal) Act, 1968 (Tamil Nadu Act 20 of 1968); or

(ii) under the Tamil Nadu Village Officers Service Rules 1970 on the date of coming into force of these Rules; or

(iii) under the Tamil Nadu Village Officers (Appointed under the Revenue Standing Orders) Service Rules 1978 or

iv) under the Tamil Nadu Village Servants Service Rules, 1980 and called Vetti, Nirgandi or Thalayari and who were working as such on the 1st day of June 1995 shall be deemed to have been appointed as Village Assistants under these Rules on that day and nothing contained in these Rules shall adversely affect any such person.'



12. From a conjoint reading of the above rules, it is easily discernible that the post of Village Assistant appointed prior to June 1, 1995 was a part-time post.

13. At this juncture, learned Counsel for the writ petitioner would contend that there are various Judgments of this Court including Division Bench Judgments, wherein it has been held that the post of Village Assistant prior to their regularisation was a full-time post and accordingly, service prior to regularisation was counted as 'qualifying service.'

14. It is true that there are various Judgments of this Court, some of which are rendered by various Hon'ble Division Benches, wherein it has been held so. However, in those cases, the afore-extracted rules were not brought to the notice of the Court. As relevant rules were not brought to the notice of the Court and were not considered, those Judgments are not valid precedents and in this regard, reference shall be made to the Judgment of this Court dated **August 19, 2019** in **T. Veersamy -vs- the Secretary to Government**, in **W.P. (MD) No. 5609 of 2014**, wherein a learned Single Judge had held as follows:

'22.The cogent and continuous reading of the entire provisions of the Tamil Nadu Village Servants



Service Rule 1980 as well as the conduct rules reveals that appointments to the post of Village Assistant are part-time in nature. It is made clear that the part-time Village Assistants are entitled to accept the private employment on part-time basis or private occupation with the prior permission of the authorities concerned. The provisions of the service rules also states that they were considered as part-time Village Assistant for the settlement of terminal benefits on attaining the age of superannuation. This being the provisions of the rules, this Court is of the considered opinion that the very ground raised by the writ petitioner that they are the full-time employees cannot be accepted at all.

23. With reference to the earlier order of this Court at no point of time, the High Court had an occasion to interpret the provisions of the Tamil Nadu Village Servants Service Rules 1980 as well as the provision of the Tamil Nadu Village Servants Conduct Rules 1983. Both the rules categorically enumerates that even the village assistants appointed prior to the year 1980 were brought under the provisions of Rule the Tamil Nadu Village Servants Service Rules, 1980, which states that the Village Assistant is part-time employee and he is entitled to accept the private



employment on part-time basis. Therefore, this Court is not inclined to follow the earlier judgment of this Court and in view of the fact that the provisions of the Rules were not brought to the knowledge of this Court by the learned counsel appearing for the respective parties and the Courts had no occasion to deal with the rules.

24.The Hon'ble Supreme Court reiterates in many judgments that if any order or judgment, which was delivered without considering the appropriate legal provisions with reference to the statute or rules it is not necessary the same should be followed for the purpose of granting the relief. In other words, the Government Orders passed based on the orders of this Court, in such circumstances cannot be construed as legal precedents. The legal precedent is one, where all the provisions of law as well as the rules applicable were considered and an order is passed. Thus, those judgments, wherein these service rules applicable to the post of Village Assistants were not considered, cannot be followed as precedents so also the Government Orders granting the benefit to few individual cannot be cited as a precedent for passing further orders.



W.A.No.2510 of 2022

25. Even in case of mistake, the Courts are not supposed to commit the same mistake repeatedly. Once it is brought to the notice of this Court that the provision of the rules had not been adjudicated by the Court then it is duly mandatory on the part of the Courts to look into the rules applicable and take a decision on merits and in accordance with law. '

15. In this regard, further reference shall be made to ***E.Balachandran's Case*** relied on by the learned Single Judge for dismissing the writ petition. Relevant Paragraphs are Paragraph Nos.31 to 34 and the same read thus:

'31. The sum and substance of the decision rendered, which in our view, is that a Government Servant is entitled for reckoning the half of the past services, even while working in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis only when there exists a cadre post. Rule 11 of the Tamil Nadu Pension Rules, 1978, merely facilitate the reckoning of the past services of a Government servants subject to the conditions stipulated therein.



32. Therefore, in view of the law laid down as aforesaid, we have no hesitation in holding that the appeals filed by the State are liable to be allowed. There is one more difficulty we may face. This is, with respect to catena of decisions available without taking note of the relevant provisions. Even this issue has been answered by the Full Bench of this Court referred to above, by holding that an issue which is not considered consciously leading to a decision may not be a binding precedent. Thus, illegality cannot be allowed to perpetuate.

33. Learned counsel appearing for the respondents/writ petitioners made reliance upon the decision rendered in Writ Appeal (MD) Nos. 1254 and 1255 of 2019 dated 19.11.2019 in the matter of the State of Tamil Nadu, rep. by its Secretary, Department of Revenue v. Chinna Karuppaiah. We are afraid that the said decision will not enable the respondents from getting the relief. As aforesaid, the relevant Rules were not brought to the notice of the Court and Rule 16 of the Tamil Nadu Village Servants Service Rules, 1980, speaks about the status of the erstwhile Village Assistants and Village Officers such as Talaiyari and Karnams. Insofar as Talaiyaris are concerned, the part-time posts were sought to be abolished by fixing



fixed compensation for the said work done and thereafter, a concession was given by bringing them under regular time scale of pay. The Government Orders concerned, which we discussed, followed by the Rules framed for the aforesaid purpose was not brought to the notice of the Court. We may note at the cost of repetition, but for the Government Order passed on 06.07.1995, the respondents Talaiyaris would have continued to have the status of part-time employees only. Therefore, it is not open to them to consider even from the inception that they were full-time employees, when there was no regular full-time scale of pay on a cadre basis.

34. The reliance made on the Tamil Nadu Village Servants Service Rules also is not correct, since it is to be applied prospectively for the new appointments. Therefore, there is no question of deemed permanent status contrary to the Rules and in any case, the respondents cannot approbate and reprobate.'

16. *E.Balachandran's Case* and *T. Veersamy's Case* clearly demonstrate why the contention of the learned Counsel for the writ petitioner must fail.



17. The writ petitioner may have been appointed permanently to that post on April 5, 1994 but that does not mean he was appointed full-time, as the post itself was a part-time post. Hence, this Court is of the view that a Village Assistant appointed under the Tamil Nadu Village Servants Service Rules, 1980 is a part-time employee and not a whole-time employee as contended by the writ petitioner **Point No.(i) is answered accordingly in favour of the respondents and against the writ petitioner.**

Point No.(ii)

18. The writ petitioner's part-time employment as Village Assistant of Poonamalle Village was regularised with effect from June 1, 1995. As stated *supra*, before June 1, 1995, the writ petitioner's service was part-time and governed by the Tamil Nadu Village Servants Service Rules, 1980 whereof Rule 17 classifies the same as a non-pensionable post. But the Government of Tamil Nadu, vide G.O. (3D) No.9 Revenue (Ser.7 (1)) Department dated February 28, 2006, framed the Tamil Nadu Village Assistant Pension Rules, 1995. For ease of reference, relevant portion from G.O. (3D) No.9 is extracted hereunder:



WEB COPY



W.A.No.2510 of 2022

'ORDER:

The Village Assistant in the Revenue Department have been brought under regular establishment w.e.f.1.6.1995. They shall be paid salary in the non-standard scale of Rs.1800-20-2240 with other usual allowances under orders in force;

2. The Government considers that separate rules should be framed for payment of pension, family pension and death-cum-retirement gratuity to these Village Assistants. Accordingly the Special Commissioner and Commissioner of Revenue Administration has sent draft rules to Government. The Government examined the draft rules, in consultation with the Accountant General, Tamil Nadu.

3. The accordingly direct that the Tamil Nadu Village Assistants Pension Rules, 1995 be approved and issued as in the Annexure to this order.

4. This order issued with the concurrence of the Finance Department vide its U.O.No.9/ADS(SG)/2006-1, dated 23.2.2006. ...'

19. The said rules came into force from June 1, 1995. Rule 4 (a) thereof reads thus:



W.A.No.2510 of 2022

'4) (a) In computing the length of service for calculation of pension and gratuity, temporary, officiating and permanent (full time) service shall be reckoned as qualifying service.'

20. As per afore-extracted Rule 4 (a), period of 'qualifying service' begins only from the date of regularisation. Hence, the writ petitioner cannot claim, the service rendered before June 1, 1995 under part-time employment, to qualify as 'qualifying service' for the purpose of reckoning pensionary benefits. As per the legal maxim *generalia specialibus non-derogant*, when a special rule namely Tamil Nadu Village Assistants' Pension Rules, 1995 is in vogue, general rule namely the Tamil Nadu Pension Rules, 1978 does not apply. Hence, half of the service rendered by the writ petitioner in two stints before his regularisation on June 1, 1995 cannot be construed as 'qualifying service' for the purpose of reckoning his pensionary benefits. **Point No.(ii) is answered accordingly in favour of respondents and against the writ petitioner.**

Point No.(iii)

21. G.O.(Ms) No.408, Finance (Pension) Department dated August 25, 2009 states that a Government Servant who rendered his service under



W.A.No.2510 of 2022

the State Government in non-provincialized service, consolidated pay, honorarium or on daily wages basis, on or after January 1, 1961, had they been absorbed into regular service before April 1, 2003, half of their period of employment before the absorption shall be taken into consideration for reckoning their pensionary benefits, however, subject to certain conditions. G.O.(Ms)No.408, Finance (Pension) Department dated August 25, 2009 was later codified as Rule 11 (4) of the Tamil Nadu Pension Rules, 1978. Rule 11 (3) thereof is also relevant. They reads thus:

'CHAPTER - III QUALIFYING SERVICE

11. Commencement of qualifying services. -

... ..

(3) Half of the service rendered by a Government servant under non-pensionable establishment shall be counted for retirement benefits along with regular service under pensionable establishment subject to the following conditions:-

(i) Service under non-pensionable establishment shall be in a job involving whole time employment.

(ii) Service under non-pensionable establishment shall be on time scale of pay and



(iii) Service under non-pensionable establishment shall be continuous and followed by absorption in pensionable establishment without a break.

Provided that in respect of those who retired prior to the 14th February, 1996, the retirement benefit or revised retirement benefit, as the case may be, admissible to them shall be paid from the 14th February, 1996 and there shall be no claim for arrears in any case, for the period up to the 13th February, 1996.

(4) Half of the service rendered under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 in respect of Government employees absorbed in regular service before 1st April 2003 shall be counted for retirement benefits along with regular service, subject to the following conditions, namely:-

(i) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be in a job involving whole time employment;

(ii) Service rendered shall be on consolidated pay, honorarium or daily wages basis paid on monthly



basis and subsequently absorbed in regular service under the State Government;

(iii) Service rendered in non-provincialised service, consolidated pay, honorarium or daily wages basis shall be followed by absorption in regular service before 1st April 2003 without a break.

Provided that this sub-rule is applicable to all employees who rendered service under the State Government in non-provincialised service, consolidated pay, honorarium or daily wages basis on or after 1st January 1961 and absorbed in regular service before 1st April 2003.

Provided further that wherever there was break in service before their absorption in regular service before 1st April 2003, the same shall be specifically condoned by the orders of the Head of Departments, in which the employees were regularly absorbed and such period of break, shall not count for the purpose of pensionary benefits.'

[Emphasis supplied by this Court]

22. At this juncture, learned Counsel for the writ petitioner would place reliance on ***R.Kaliyamoorthy's Case*** [cited *supra*] and submit that since the service of the writ petitioner was regularised before April 1,



2003, half of the service rendered before regularisation shall be counted as

'qualifying service'. The Hon'ble Full Bench *inter alia* held as follows:

'32. In our opinion, for determination of retirement benefits under Sub-Rule (4) to Rule 11 half of the service rendered by a government employee in the following capacity shall be counted:

i. Non-provincialised Services

ii. Consolidated pay;

iii. honorarium; or

daily wage basis.

33. However, to add half of services rendered in the above capacity, such services should have also been regularised between 1st January, 1961 and 31st March, 2003 apart from satisfaction of other conditions stipulated therein.'

[*Emphasis supplied by this Court*]

23. As stated *supra*, as per the legal maxim *generalalia specialibus non-derogant*, when a special rule namely Tamil Nadu Village Assistant Pension Rules, 1995 is in vogue, general rule namely the Tamil Nadu Pension Rules, 1978 does not apply.

24. Even while assuming that G.O.(Ms) No.408 / Finance (Pension)



W.A.No.2510 of 2022

Department dated August 25, 2009 and the Tamil Nadu Pension Rules,

1978 are applicable to the writ petitioner, Rule 11 (3) and (4) of the Tamil Nadu Pension Rules, 1978 *inter alia* stipulates 2 conditions. One is that the prior employment shall be whole time employment and other is that it shall be an continuous one without any break. Both these conditions are not satisfied by the writ petitioner. As held under Point No.(i), the writ petitioner employment prior to regularisation was part-time employment and hence the condition of whole-time employment is not satisfied. Then, the prior employment of the writ petitioner was in two stints; there was a gap of one year between April 5, 1993 and April 4, 1994. No Order of the concerned Department condoning the break in service has been brought to the notice of this Court. Hence, the other condition of continuous service without any break has also not been satisfied by the writ petitioner. In *R.Kaliyamoorthy's Case*, it was held that the conditions stipulated under Rule 11 (4) of Tamil Nadu Village Assistant Pension Rules, 1995 must be satisfied, which is not the case here. Hence, *R.Kaliyamoorthy's Case* does not come to the aid of the writ petitioner.



WEB COPY

25. As stated *supra*, ***E.Balachandran's Case*** which was relied on by the learned Single Judge to dismiss the writ petition, a Hon'ble Co-ordinate Bench held that Village Assistant were under part-time employment prior to regularisation and hence, they have not satisfied the conditions in Rule 11 (3) and (4) of the Tamil Nadu Pension Rules, 1978. Therefore, their period of service prior to regularisation cannot be calculated as 'qualifying service'.

26. In a recent decision, a Hon'ble Co-ordinate Bench of this Court in its Common Judgment dated March 19, 2025 made in ***The Principal Secretary to Government -vs- S. Muthiah***, made in ***W.P. (MD) No.976 of 2021***, endorsed the view taken in *E.Balachandran's Case*, while dealing with a similar factual matrix and held that the period of employment of Village Assistant prior to regularisation cannot be counted as 'qualifying service'. Relevant portion of the Judgment reads thus:

'4.Invocation of the doctrine of equality is misplaced. The Hon'ble Full Bench of the Madras High Court in the decision reported in 2021 (1) CWC 705 (State Vs. S.Rajaram) held as follows:-

“19. It is well settled that Article 14 of the Constitution of India cannot be invoked for



perpetuating illegality. A wrong order passed in one case cannot be made the basis for compelling a Public Authority to pass similar order in any other case. Even if the State implements an erroneous order passed by the Court, it cannot be precluded from challenging a similar order passed in another case, simply because Appeal was not preferred in the earlier case (Paragraph No.17 in State of Madhya Pradesh Vs. Ramesh Chandra Bajpai 2009 (13) SCC 635)”

5.As rightly pointed out by the learned Additional Government Pleader as well as the learned counsel for Audit Accountant General, the issue is no longer res integra. The Hon'ble Division Bench in the decision reported in (2021) 3 MLJ 92 (State of Tamil Nadu Vs. E.Balachandran) had already settled the issue and had allowed batch of writ appeals filed by the Government raising the very same issues now raised in these writ appeals.'

27. Thus, on the strength of *E.Balachandran's Case* and *Muthiah's Case*, this Court holds that, even while assuming that the Tamil Nadu Pension Rules, 1978 is applicable to the writ petitioner, Rule 11 (3) and



W.A.No.2510 of 2022

(4) would act as an embargo to the claim of the writ petitioner. **Point No.(iii) is answered accordingly in favour of respondents and against the writ petitioner.**

CONCLUSION:

28. In view of the foregoing narratives, this writ appeal is dismissed as devoid of merits. The Common Order dated April 11, 2022 of learned Single Judge is confirmed, in so far as W.P. No.8778 of 2022 is concerned. In view of the facts and circumstances of this case, no costs.

[M.S.R., J.]

[R.S.V., J.]

29 / 10 / 2025

Index : Yes
Neutral Citation : Yes
Speaking Order : Yes
PAM/TK



W.A.No.2510 of 2022

WEB COPY

- To
- 1.The District Collector,
Tiruvallur District,
Thiruvallur – 602 001.
 - 2.The Accountant General,
Accounts and Entitlement,
Nandanam, Chennai – 600 018.
 - 3.The Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur – 602 001.
 - 4.The Tahsildar,
Poonamallee Taluk,
Poonamallee,
Chennai – 600 056



WEB COPY



W.A.No.2510 of 2022



WEB COPY



W.A.No.2510 of 2022

M.S.RAMESH, J.

AND

R.SAKTHIVEL, J.

PAM/TK

PRE-DELIVERY JUDGMENT MADE IN
W.A.NO.2510 OF 2022

29 / 10 / 2025

Page No.30 of 30