



WEB COPY

W.A.Nos. 1880 & 1891 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.Nos. 1880 & 1891 of 2025
and
C.M.P.Nos. 14335 & 14437 of 2025

1. The State of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
2. The Director of Government Examinations,
O/o the Directorate of Government Examinations,
College Road, Chennai - 6.
3. The Deputy Director (Administration)
of Government Examinations,
O/o the Directorate of Government Examinations,
College Road, Chennai - 6.

...Appellants in both appeals

Vs.

Tajunisa Begam

... Respondent in W.A.No.1880 of 2025

Jeelani Begam

... Respondent in W.A.No.1891 of 2025

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent,
against the order dated 06.02.2024 made in W.P.Nos. 13517 & 13520 of
2021.



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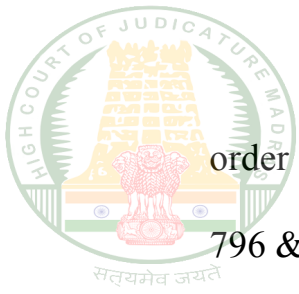
For Appellants : Mr.U.M.Ravichandran
Special Govt. Pleader in both appeals
For Respondent : Mr.A.R.Suresh for
Mr.K.Arumugam in both appeals

COMMON JUDGMENT

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

Challenge is to the order of the writ Court dated 06.02.2024 made in
W.P.Nos. 13517 & 13520 of 2021.

2. The respondents herein, had challenged the proceedings dated 30.11.2020, in and by which, their claim for pension under the old pension scheme was rejected by the authorities. Tmt.Tajunisa Begam and Tmt.Jeelani Begam were appointed temporarily as Section Writers in the Directorate of Government Examinations on 27.12.1984. They along with others moved the Hon'ble Tamil Nadu Administrative Tribunal in O.A.No.6048 of 1992 seeking regularization of their services. The Tribunal, by its order dated 18.06.1993, considering the workload in the Department, directed creation of 75 posts of regular Section Writers. This



order was challenged before the Hon'ble Supreme Court in SLP(Civil) Nos. 796 & 797 of 1996.

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3. The Hon'ble Supreme Court set aside the directions issued by the Tribunal with a recommendation that the Government will consider, if a scheme of absorption can be framed. Thereafter on 03.11.1998, the Director of Government Examination wrote to the Government for absorption of these Section Writers as Record Clerks by relaxing Clause xxii of Rule 2(b) to accommodate the Section Writers as Record Clerks. The fate of this recommendation remains a mystery. However, by an order dated 30.05.2005, the Government appointed both Tmt.Jeelani Begam and Tmt.Tajunisa Begam / the respondents herein as Record Clerks. Both of them attained the age of superannuation in the year 2012. They were denied pension, taking the date of joining as 30.05.2005. Hence, they made a representation seeking counting of their services as Section Writers, also for the purposes of pension and to treat them as regular employees upon completion of 10 years of service in the temporary post of Section Writers as per G.O.Ms.No.22, P & AR Department dated 28.02.2006.



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4. This claim was resisted by the Government contending that the two respondents were appointed to service afresh only on 01.06.2005 and therefore, they cannot claim the benefit of the old pension scheme. The writ Court rejected the contention and held that they would be entitled to the benefits on par with one Paramasivam, who was a similarly placed person. On the said conclusion, the writ Court allowed the writ petition, paving way for this challenge by the Government.

5. We have heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the appellants and Mr.A.R.Suresh, learned counsel appearing for the respondents.

6. Mr.U.M.Ravichandran, learned Special Government Pleader for the appellants would vehemently contend that once they were appointed as Record Clerks on and from 30.05.2005, they should be deemed as new entrants in service and they would be entitled to the benefits only on the assumption that they entered the Government service on 30.05.2005 and not on any prior date.



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7. We are unable to persuade ourselves to agree with the said contention of the learned counsel for the appellants. Undoubtedly, the respondents are entitled to the benefits of G.O.Ms.No.22 dated 28.02.2006 which confers a right of permanency on those persons, who have been working temporarily for more than 10 years. More over, in the case of Mr.Paramasivam, another Section Writer, who was also similarly placed person and who had retired on 30.04.2005 the government, the had directed that he should be treated as a regular employee from the date of completion of 10 years of service as a Section Writer i.e, with effect from 25.05.1997 till the date of his retirement namely, 30.04.2005 and he would be entitled to all other attendant benefits as if he had rendered regular service. This judgment has become final and it has been implemented by the Department also. Similarly, they have also issued Government Orders in favour of one M/s. Govindaraj, Santhanakrishnan, Yayathi Venkatesan, Palani, Jayalakshmi and Neelaveni. It is not in dispute that all these persons were working as Section Writers only.



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8. We therefore, see no reason as to why a different scale should be adopted for the respondents herein. We find that supernumerary post of Section Writers have been created in the case of Mr.Paramasivam. We therefore, do not see any reason to interfere with the directions issued by the learned single Judge. These Writ Appeals therefore, fail and they are accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed. Eight weeks time is granted to the appellants to comply with the order of the learned single Judge from the date of receipt of a copy of the order in this appeal.

(R.S.M., J.) (K.S., J.)
26.06.2025

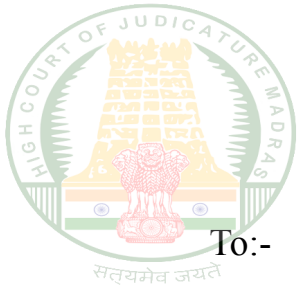
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Index: No

Speaking

Neutral Citation : Yes



To:-

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