



W.P.No.19921 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.19921 of 2025

1. G.Subramanian
2. V.M.Subramanian
3. A.Arokiyamery
4. A.G.Dhanapal
5. M.Subramani
6. T.Devaki
7. M.Kodimalli

... Petitioners

Vs.

1. The Secretary to Government,
Housing and Urban Development Department,
Fort St.George, Chennai – 600 009.
2. The Managing Director,
Tamil Nadu Housing Board,
CMDA Complex, E & C Market Road,
Koyambedu, Chennai – 600 107.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to calculate the petitioners pension by taking note of 50% services rendered as temporary employee till the petitioners regularization and disburse by calculating the



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same from their retirement date together with arrears by taking note of order passed in W.P.No.11746 of 2014 dated 03.11.2017 confirmed by the Hon'ble Division Bench in W.A.No.1857 of 2022, dated 16.08.2022.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.N.Naveen Kumar,
Government Advocate (for R1)
Mr.D.Veerasekaran,
Standing Counsel (for R2)

ORDER

The instant Writ Petition has been filed with a prayer for issuing a mandamus to direct the respondents to calculate the petitioners' pension by taking note of 50% services rendered as temporary employees till the petitioners' regularization and disburse the same from their retirement date together with arrears, by taking note of the order passed in W.P.No.11746 of 2014, dated 03.11.2017, confirmed by the Hon'ble Division Bench of this Court in W.A.No.1857 of 2022, dated 16.08.2022.

2. The learned counsel for the petitioners would submit that they were initially appointed as Nominal Muster Roll Employees in the Tamil Nadu



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Housing Board during 1974-1988 on an honorarium or daily wage basis, and subsequently, in the year 1980-1988, the petitioners' service has been regularized by way of fixing time scale pay as per the Government Order in G.O.Ms.No.400, Housing and Urban Development Department, dated 02.05.1990. He would further submit that the petitioners' past service qua Nominal Muster Roll Employees between the years 1974-1988 has to be taken into consideration for the purpose of sanctioning pension.

2.1. It is the submission of the learned counsel for the petitioners that the respondents have to take 50% of their service rendered during the temporary employment for calculating their pension. In this connection, the learned counsel for the petitioners would submit that in a similar matter, this Court in W.P.No.11746 of 2014, vide order dated 03.11.2017, which was confirmed by the Division Bench in W.A.No.1857 of 2022, vide judgment dated 16.08.2022, has ordered to calculate the pension by taking into consideration Rule 11 of the Tamil Nadu Pension Rules (hereinafter referred to as 'the Rules' for short). In this regard, the petitioner had also sent a representation to the respondents, vide representation dated 09.04.2025, and such representation is pending with the respondents.



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3. The learned counsel for the respondents would vehemently contend that the petitioners are not similarly placed persons as that of the persons referred to in the order of this Court in W.P.No.11746 of 2014, which was confirmed by the Division Bench of this Court in W.A.No.1857 of 2022. However, would submit that they would consider the petitioners' representation within a reasonable time in accordance with Rule 11 of the Rules.

4. Heard the learned counsel for both sides and perused the materials available on record.

5. In view of the above submission, without going to the merits of this Writ Petition, this Court deems it appropriate to direct the respondents to consider the petitioner's representation dated 09.04.2025, and pass orders on it's own merits and in accordance with law, of course after taking into consideration Rule 11 of the Rules, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, this Writ Petition is disposed of. No costs.

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No

To

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C.KUMARAPPAN, J.

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