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W.A.Nos.344, 345, 348, 349 & 352 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	<i>08.09.2025</i>
<i>Pronounced on</i>	<i>28.10.2025</i>

CORAM :

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

W.A.Nos.344, 345, 348, 349 & 352 of 2024
and C.M.P.Nos.2155, 2168, 2169, 2208, 2209, 2210, 2211, 2246 & 2247 of
2024

1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Animal Husbandry, Dairying and Fisheries Department,
Secretariat, Chennai – 600 009.

2.The Director of Fisheries,
Nandanam, Chennai – 600 035.

... *Appellants in all WAs*

3.The Assistant Director of Fisheries,
Krishnagiri – 635 001.
WA.No.345/2024

... *3rd Appellant in*

3.The Assistant Director of Fisheries,
Fishing Harbour Complex,
Cuddalore O.T. - 607 003.
WA.No.348/2024

... *3rd Appellant in*

3.The Assistant Director of Fisheries,
Erode – 638 011.
WA.No.349/2024

... *3rd Appellant in*

3.The Assistant Director of Fisheries,



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Mettur Dam, Mettur.
WA.No.352/2024

... 3rd Appellant in

Vs.

P.Balakrishnan	... Respondent in WA.No.344/2024
R.Kalaivani	... Respondent in WA.No.345/2024
R.Rajasekaran	... Respondent in WA.No.348/2024
D.Thangamuthu	... Respondent in WA.No.349/2024
G.Sornambal	... Respondent in WA.No.352/2024

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent, praying to set aside the orders dated 17.02.2021 made in W.P.Nos.1517, 1519, 1518, 1524 & 1521 of 2021 respectively and allow the Writ Appeals.

(in all WAs)

For Appellants : Mr.U.M.Ravichandran,
Special Government Pleader

For Respondents : Mr.M.Radhakrishnan

COMMON JUDGMENT

M.S.RAMESH, J.

All the respondents herein were originally working in the Fish Farmers Development Agencies (hereinafter referred to as FFDA). Through G.O.(3D).No.2, Animal Husbandry and Fisheries (FS.II)



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Department, dated 20.11.1990 and G.O.(3D) No.4, Animal Husbandry & Fisheries Department, dated 28.08.1992, the temporary employees of FFDA, employed in the post which do not come under the purview of Tamil Nadu Public Service Commission, was ordered to be absorbed into Government Service with effect from 20.11.1990 with pay protection. Their services were provincialised by relaxation of the relevant rules and orders were passed for regularisation of their services also.

2. Through a Government Order in G.O.(Ms).No.96, Animal Husbandry, Dairying and Fisheries (FS-2) Department, dated 07.07.2008, the services of a Junior Engineer namely P.Jebakumar Ranjan under FFDA was regularised after condoning the break-in-service and he was allowed for pay protection, seniority, pensionary benefits etc., on par with his juniors.

3. Since the services of P.Jebakumar Ranjan under FFDA was calculated for all service benefits, the respondents herein had made similar requests. They also placed reliance for extension of such service benefits, on similar orders passed by the Madurai Bench of this Court dated



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26.10.2016 in W.P.MD.No.20756 of 2016. The learned Single Judge had disposed of their Writ Petitions through a common order dated 17.02.2021 passed in W.P.Nos.1517 of 2021 etc. batch, with the following directions:-

..... *“5. Hence, these Writ Petitions are disposed of with the following directions:*

i) A direction is issued to the respondents to take a decision in respect of the case of the petitioners, in the light of the decision of Madurai Bench of this Court made in W.P.(MD).No.20756 of 2016 dated 26.10.2016, after affording an opportunity of hearing to the petitioners either physically or virtually, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners are entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioners can avail the opportunity of either personal hearing or filing written submission



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and not both;

iii) In case the petitioners fail to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioners, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision to be taken to the petitioners within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioners, later on, will not



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take a plea that the petitioners are not aware of the order....”

Challenging this common order, the present Writ Appeals are filed.

4. The learned Special Government Pleader appearing for the appellants would submit that the order passed in W.P.MD.No.20756 of 2016 was not in accordance with Rule 11 of the Tamil Nadu Pension Rules, 1978 and therefore, it would not be appropriate to rely on this precedent and extend wrong benefits to the others also. According to him, there is no provision to count the services rendered under the statutory body or other State Government Organisation like FFDA.

5. Per contra, Mr.M.Radhakrishnan, learned counsel appearing for the respondents would submit that apart from the case of P.Jebakumar Ranjan, there are several orders passed in favour of the Government employees wherein their services under FFDA was counted as qualified service and therefore, the respondents herein would also be entitled for similar benefits. He also placed reliance on the judgment of the Full Bench of this Court in '**Government of Tamil Nadu Vs. R.Kaliyamoorthy**',



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reported in **2019 (6) CTC 705**, wherein it was held that the services rendered by a Government employee in non-provincialised service which were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits. According to him, since the appellants have not denied the grant of similar relief to the petitioner in W.P.MD.No.20756 of 2016, the appellants cannot discriminate the claim of the respondents herein.

6. In *R.Kaliyamoorthy's case (supra)*, the point of reference before the Hon'ble Full Bench was as to whether half of the past service rendered by Government servants whose appointments were regularised after 01.04.2003, can be counted for the purpose of grant of pension under the provisions of the Tamil Nadu Pension Rules. After a detailed discussion and by analysing the provisions of the Tamil Nadu Pension Rules, the Hon'ble Full Bench had summarised its findings in paragraph 45 of its order as hereunder:-

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

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in



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view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003.

(ii) Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (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 01.04.2003, 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 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service



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for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.”.....

7. The services rendered by these respondents under FFDA is a non-provincialised service. However, by various Government orders, their services were provincialised and also regularised prior to 01.04.2003 itself. In the light of the decision in ***R.Kaliyamoorthy's case***, the services of the respondents herein under FFDA, which were regularised before 01.04.2003, requires to be counted for the purpose of conferment of pensionary benefits.

8. This apart, the appellants have not denied that similar benefits were given to the writ petitioner in W.P.MD.No.20756 of 2016, wherein they had reckoned the service rendered by the petitioner in FFDA, as qualifying service for the pensionary benefits. The only objection appears



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to be that the order was not in conformity with the pension rules. We do not endorse the objection since the appellants have not chosen to challenge this order of the Madurai Bench, but rather had given credit to the service rendered by the petitioner therein under FFDA.

9. In service jurisprudence, the normal rule is that when a particular set of employees are given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so, would amount to discrimination and would be in violation of Article 14 of the Constitution of India. This legal principle has been reiterated by the Hon'ble Supreme Court in several of its decisions. In *'State of Uttar Pradesh & others Vs. Arvind Kumar Srivastava & others'* reported in **2015 (1) SCC 347**, the Hon'ble Supreme Court had reiterated this position of law and held that this principle needs to be applied in service matters, more emphatically as the service jurisprudence evolved by the Hon'ble Supreme Court from time to time postulates that all similarly situated persons should be treated similarly. The decision further goes to state that the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated



differently.

10. In the light of the aforesaid decision of the Hon'ble Supreme Court, this defence of the appellants for denying to extend the benefits of a similarly placed employee to the respondents herein also, cannot be sustained.

11. For all the foregoing reasons, we do not find any merits in these Writ Appeals and accordingly, the Writ Appeals stand dismissed. Consequently, there shall be a direction to the appellants herein to forthwith pass orders, reckoning the service rendered by each of the respondents in FFDA, as a qualifying service for their pensionary benefits. Such orders shall be passed, atleast within a period of four (4) weeks from the date of receipt of a copy of this judgment. No costs. Connected miscellaneous petitions are closed.

[M.S.R, J.]

[R.S.V, J.]

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Index: Yes



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Speaking order

Internet: Yes

Neutral Citation: Yes

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