



W.A.No.2627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 29.08.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Mrs. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A.No.2627 of 2025
AND
C.M.P.No.21076 of 2025

1.The Government of Tamil Nadu
Rep. by its Secretary
Public Works Department
Secretariat, Chennai-9

2.The Engineer-in-Chief (WRO) &
Chief Engineer (General)
Public Works Department
Chepauk, Chennai-5

.. Appellants

Vs.

1.S.Thamaraikannan

2.Chennai Metropolitan Water Supply & Sewerage Board
Rep. by its Managing Director
No.75, Santhome High Road
MRC Nagar, R.A.Puram
Chennai 600 028

3.The Accountant General (A&E)
Tamil Nadu
361, Anna Salai, Chennai 18

.. Respondents



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For Appellant : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.P.Anandakumar
Government Advocate

For R1 : Mr.N.Subraniyan
For R2 : Mr.Krishna Ravindran, Standing Counsel
For R3 : Ms.G.Vardhini Karthik

J U D G M E N T

(Delivered by R.SURESH KUMAR, J.)

This intra-court appeal has been directed against the order dated 11.07.2024 passed by the writ Court in exercising the review jurisdiction in Review Application No.94 of 2024 in W.P.No.10218 of 2022.

2. The 1st respondent S.Thamaraikannan, was an employee worked under the Public Works Department (PWD). Though he was selected as Assistant Engineer in the PWD in the year 1985-1986, immediately, posting order was not issued for various reasons. In the meanwhile, he was selected and appointed as Assistant Engineer in the 2nd respondent *i.e.*, Chennai Metropolitan Water Supply & Sewerage Board (CMWSSB), where he worked between 28.01.1989 and 19.02.1991.



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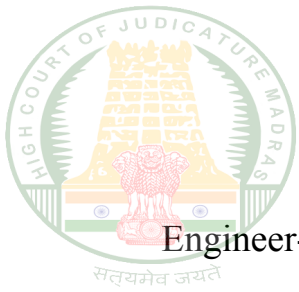
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3. In the meanwhile, since he was appointed in the PWD pursuant to the selection already made in the year 1985-1986, he had resigned the post as Assistant Engineer at the CMWSSB and joined in the PWD, without any break in service.

4. After long years of service, he retired on superannuation.

5. After retired from service, he wanted to get pension. For the purpose of calculating pension, the entire service rendered by him in the PWD as well as CMWSSB since have to be computed together, the 2nd appellant viz., The Engineer-in-Chief, Water Resource Department, had sent a recommendatory communication to the 1st appellant/State Government to sanction the pension for the 1st respondent/writ petitioner by taking the whole period of his service both in the PWD as well as CMWSSB i.e., from 28.01.1989 till the date of his superannuation.

6. Based on the said recommendatory communication given by the



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Engineer-in-Chief, the Government wanted to get certain clarifications. Hence, the

Government sent a communication dated 19.05.2010 to the Engineer-in-Chief to

the following effect:

"I am directed to referto your letter cited, in which you requested the Government to include the past service rendered by Thiru.S.Thamaraikannan, Assistant Executive Engineer (retired) in the Chennai Metropolitan Water Supply and Sewage Board from 28.01.1989 F.N. to 19.02.1991 A.N., with his service of 26 years and 1 day in Public Works Department for pensionary benefits. In this regard, I am to state that in the Admissibility Report in the reference second cited, net qualifying service was mentioned as 24 years, 11 months and 11 days.

2. I am, therefore, directed to request you to furnish the following additional particulars to the Government:-

- i. Ensure the correctness of period of service (total numbers of net qualifying service) rendered by Thiru.S.Thamaraikannan, Assistant Executive Engineer (retired) in Public Works Department.*
- ii. Service Book of the individual.*
- iii. Obtain calculation sheet for pensionary liability from the Chennai Metropolitan Water Supply and Sewage Board for the period from 28.01.1989 F.N. To 19.02.1991 A.N. for the services rendered by the individual in the Board along with the willingness of the Board to remit the said amount into the Government account."*

7. Insofar as this communication dated 19.05.2020 is concerned, the first two clarifications that were mentioned in paragraph 2 is concerned, there was no grievance for the 1st respondent/writ petitioner. Insofar as the third clarification sought for to get the willingness of CMWSSB to remit the amount payable to the 1st respondent/ writ petitioner for the period between 28.01.1989 and 19.02.1991



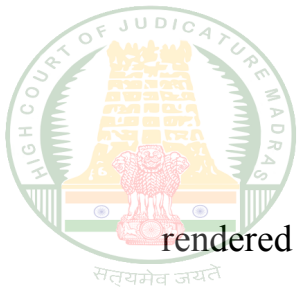
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where he worked, for calculating the said period also by including the same in the total service period for pensionable benefits, the clarification which was sought for by the State Government through the letter dated 19.05.2020 is unwarranted, by virtue of or because of Rule 12(5)(a) of Tamil Nadu Pension Rules, 1978.

8. Therefore, it triggered the writ petitioner to approach the writ Court by challenging the said communication of State Government dated 19.05.2020, the said writ petition *i.e.*, W.P.No.10218 of 2022 was dismissed by the order dated 27.02.2024. However, in order to review the said order, the said Review Application No.94 of 2024 was filed by the 1st respondent/writ petitioner and that review was allowed by the impugned order dated 11.07.2024.

9. In the order which is impugned herein, *i.e.*, the order in the review passed by the writ Court, the relevant rule was extracted *i.e.*, Rule 12(5)(a) of Tamil Nadu Pension Rules as well as Rule 23 *i.e.*, forfeiture of service on resignation.

10. After having extracted the rules, the learned Judge found that insofar as the total service rendered by the 1st respondent/writ petitioner is concerned, since it has been taken into account for the purpose of pensionary benefits, the service



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rendered by him in the CMWSSB between 28.01.1989 and 19.02.1991 also since have to be taken into account, the clarification that has been sought for or the consent sought for by the Government through letter dated 19.05.2020 may not be required and therefore, on that ground, the learned Judge has quashed the very communication dated 19.05.2020, which was impugned before the writ Court by allowing the review application through the impugned order.

11. We have heard Mr.P.Kumaresan, learned Additional Advocate General, appearing on behalf of the appellants and Mr.N.Subraniyan, learned counsel appearing for the 1st respondent/writ petitioner.

12. Insofar as the said clarification asked in paragraph 2(iii) of the letter dated 19.05.2020 is concerned, which in our considered view may not be required, in view of the clear rules of Tamil Nadu Pension Rules, 1978. Nevertheless, with the limited portions since has been questioned by the 1st respondent/writ petitioner by filing a writ petition which was initially dismissed and subsequently, when allowing the review application filed by the writ petitioner since the learned Judge has allowed the writ petition in entirety and quashed the communication of the

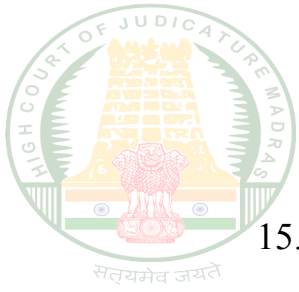


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State Government dated 19.05.2020, now, the Government is not in a position to move further forward and that is the reason, the Government has triggered this intra-court appeal.

13. In these circumstances, we deem it appropriate to give certain clarifications with regard to the order dated 11.07.2024 that was passed by this Court in Review Application No.94 of 2024.

14. Except the clarification sought for by the Government in paragraph 2(iii) of the communication dated 19.05.2020, all other clarification sought for therein, could have been clarified by the Engineer-in-Chief concerned of the PWD presently Water Resource Department to the State Government. Therefore, the quashment order in entirety passed by the writ Court in the order impugned against 19.05.2020 communication, is hereby modified. However, the quashment that has been made with regard to paragraph 2(iii) is concerned, that quashment is confirmed.



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15. That apart, the directions subsequently given by the writ Court in the order impugned in the review application to calculate the entire service of the 1st respondent/writ petitioner including the services he had rendered between 28.01.1989 and 19.02.1981 at the CMWSSB, as the total pensionable service for the purpose of calculating his pension and retirement benefits is concerned, this direction shall also be complied with by the appellant Department. The needful as indicated above, shall be undertaken by the appellant Department within a period of two months from the date of receipt of a copy of this judgment.

With this modification and clarification of the order impugned, this writ appeal is accordingly disposed of. No costs. Connected C.M.P. is closed.

(R.S.K., J.) (K.G.T., J.)
29.08.2025

gya

Index: Yes/No

Neutral Citation: Yes/No

To

1. The Managing Director
Chennai Metropolitan Water Supply & Sewerage Board
No.75, Santhome High Road
MRC Nagar, R.A.Puram
Chennai 600 028

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2. The Accountant General (A&E)

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