



WP.No.27934 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.27934 of 2019

J.Natarajan (deceased)

Santha Ammal

W/o late J.Natarajan.

(P2- substituted as Lrs. Of deceased P1,
as per order dated 17.10.2024 in
WMP.No.31049 of 2022 in
WP.No.27934/2019)

...

Petitioner

Vs.

1 The Secretary To Government
Agricultural Department,
Secretariat, Chennai 600 009.

2 The Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records made in the impugned order in Letter No.3813/OP.1/2016-3 dated 11.07.2016 passed by the 1st respondent, quash the same and direct the respondents to fix the minimum pension of the petitioner as Rs.1,553/-p.m., instead of Rs.553/- p.m. from the date of 31.05.1993.



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For Petitioner : Mr.M.V.Venkateseshan

For Respondents : Mr.A.M.Ayyadurai, G.A.,

ORDER

The petitioner has filed this petition challengin the impugned order passed by the 1st respondent in Letter No.3813/OP.1/2016-3 dated 11.07.2016 and to direct the respondents to fix the minimum pension of the petitioner at Rs.1,553/- p.m., instead of Rs.553/- p.m. from the date of 31.05.1993.

2.Heard Mr.M.V.Venkateseshan, learned counsel for the petitioner, Mr.A.M.Ayyadurai, learned Government Advocate for respondents 1 & 2 and perused the materials available on record.

3.The learned counsel for the petitioner submitted that the petitioner is entitled to get the benefit of the government order in G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013. The petitioner was originally appointed as a steno typist in the Revenue Department, Krishnagiri, in the year 1955. He got his services regularised in the Agricultural Department on 17.05.1957 as Steno Typist. After having put in 23 years of service, he was sent on deputation to



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Tuticorin Alkali Chemicals and Fertilizers Ltd., as an administrative officer. In the year 1986, he was absorbed into that concern and thereafter, he retired on 31.05.1993.

4. As the problem arose in granting a pension to the petitioner, he filed an original application in O.A.No.2609/1993 before the Tamil Nadu Administrative Tribunal. The Tribunal has rendered a finding that he is eligible to get pension till the date of his absorption into Tuticorin Alkali Chemicals and Fertilizers Ltd., viz., 25.06.1986. Accordingly, his pension had been fixed at Rs.553/- on 27.11.1995 by the 1st respondent.

5. However, the petitioner claims that he will be getting the benefit under G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013 also because the above government order extended the benefit of treating the dearness allowance as dearness pay for the purpose of the pension revision as per the judgment of the Hon'ble Supreme Court dated 17.01.2013 held in the case filed by ***Kallkurichi Taluk retired officials association and others*** in ***SLP No.18020-18021 of 2008***. All those who have retired between 01.06.1988 and 31.12.1995 will get benefit by



the above government order.

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6. The petitioner gave a representation to the 1st respondent stating that his date of retirement is 31.05.1993 and hence, he will also be covered with the benefit of the above government order in G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013. As his representation has not been considered, he has filed a writ petition seeking a writ of mandamus in W.P.No.11839/2016. On getting a direction against the 1st respondent to consider his representation dated 08.02.2016, the impugned order was passed by the 1st respondent on 11.07.2016, rejecting the claim made by the petitioner. As the petitioner had been permanently absorbed in Tuticorin Alkali Chemicals and Fertilizers Ltd., he is found to be not eligible to get the benefit of the government order in G.O.Ms.No.363 Finance (PGC) Department, dated 23.08.2013. The petitioner claims that the government order just mentions the date of coverage of retirement between 01.06.1988 to 31.12.1995 and it does not state about the place where the individual retires.

7. The petitioner did not deny the fact that he was in government service till the year 1986 and during the year 1978, he went on deputation. But after completing the period of deputation, the petitioner did not return to his parent



department. He got himself absorbed in a permanent post on 25.6.1986. The petitioner can claim his status as a government servant only till the date of his absorption into the private company. Once he gets himself absorbed in the private company he becomes a servant of that company and that is the reason why he was allowed to get his pension any benefits only from the date of his entry into the service till 26.5.1986. The petitioner accepted the above order and did not challenge it. However, he later claimed that he was entitled to pensionary benefits from the date of his retirement, i.e., 31.05.1993, which date, he would have attained the age of superannuation. At the time of his retirement, he was not in the service of the Tamil Nadu Government.

8. For those who are serving in the Tamil Nadu government and who retired between the year from 1.6.1986 and 31.12.1995, the benefit granted under G.O.Ms.No.363, Finance (PGC) Department dated 23.08.2013 is applicable. Even though the said Government Order does not make any explicit mention as to where a person should end his services and retire, it goes without saying that the government order issued by the government of Tamil Nadu is applicable only to those who are in the service of the Government of Tamil Nadu. Since the



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petitioner had lost his status as a government servant after his permanent absorption into the Tuticorin Alkali Chemicals and Fertilizers Ltd, the writ petitioner is not entitled to the relief claimed. Hence, I find no illegality in the impugned order passed by the 1st respondent.

In the result, this writ petition stands **dismissed**. No costs.

14.02.2025

Index : Yes
Internet : Yes/No
Speaking/Non- Speaking
Neutral: Yes/No
jrs



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To

- 1 The Secretary To Government
Agricultural Department,
Secretariat, Chennai 600 009.
- 2 The Secretary to Government,
Finance Department,
Secretariat, Chennai 600 009.



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R.N.MANJULA, J.
jrs

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