



WEB COPY



W.P.No.46424 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.46424 of 2025
and W.M.P.No.51770 of 2025**

V.Baby

... Petitioner

Vs.

- 1.The Commissioner,
Greater Chennai Corporation,
Rippon Buildings,
Chennai-600 003.
- 2.The Educational Officer,
Corporation of Greater Chennai,
Rippon Building, Chennai-600 003.
- 3.The Principal Accountant General,
(A & E) of Tamil Nadu,
No.361, Anna Salai,
Chennai-600 018.
- 4.The Senior Accounts Officer,
O/o.The Principal Accountant General of Tamil Nadu (A & E),
No.361, Anna Salai, Chennai-600 018.
- 5.The Assistant Education Officer,
Chennai Corporation,
Rippon Building,
Chennai-600 003.



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6.The Pay and Accounts Officer,
Integrated Complex for Finance Department,
Veterinary Hospital Complex,
Nandanam,
Chennai-600 035.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the fourth respondent in proceedings No.P10/UNIT1/11032277/71-18452 dated 22.08.2024 and to quash the same and to consequently direct the respondents (i) to repay the recovered amount; (ii) to revise and refix the petitioner's pension and other pensionary benefits, including revised Death cum Retirement Gratuity, as per the revised pension proposal submitted by the second respondent to the third respondent in proceedings Ka.Thu.Na.Ka.No.C8/4215/2022 dated 27.06.2023 ; (iii) to pay the consequential arrears thereof.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Ms.Aswini Devi
Standing Counsel
for R1, R2 and R5
Mr.P.Manorajan
Standing Counsel
for R3, R4 and R6

ORDER

This Writ Petition has been filed challenging the impugned order passed by the fourth respondent in proceedings



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No.P10/UNIT1/11032277/71-18452 dated 22.08.2024 and for a

consequential direction to the respondents to repay the recovered amount, revise and refix the petitioner's pension and other pensionary benefits, including revised Death cum Retirement Gratuity, as per the revised pension proposal submitted by the second respondent to the third respondent vide proceedings in Ka.Thu.Na.Ka.No.C8/4215/2022 dated 27.06.2023 and pay the consequential arrears.

2. The petitioner was working as Headmistress in Chennai Corporation Middle School, V.K.Pillai Street and retired from service on 31.08.2001. She was initially appointed as Secondary Grade Teacher on 31.03.1972. She was working as untrained teacher from 23.10.1961 to 30.04.1968. Since the period of service rendered by her as untrained teacher was not included in computing the qualifying service for fixation of her pension, the petitioner filed W.P.No.33852 of 2013 before this Court which was disposed of vide order dated 18.04.2022 directing the respondents to include half of the service rendered by the petitioner as untrained teacher as qualifying service for pension. However, the said order was not fully implemented by the respondents as some of the period of service rendered



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by the petitioner as untrained teacher was not included in the computation of qualifying service. After repeated representations, the second respondent sent a revised representation vide revised proposal dated 27.06.2023 to the third respondent by including the left out period, however, the third respondent returned the aforesaid pension proposal vide his proceedings dated 31.07.2023 by stating that specific orders from the Government has to be obtained for including the aforesaid period of untrained service as qualifying service and thereafter again, a revised pension proposal was sent by the second respondent by stating that the petitioner's name was not specifically mentioned in the said proposal. However, the petitioner also requested the fourth respondent for the service certificate duly noting the period of untrained service. However, the fourth respondent issued the impugned order of recovery by stating that the petitioner was erroneously paid arrears of pension from 01.09.2001 instead of arrears to be paid from 10.12.2010. Hence, the petitioner is aggrieved that the past service as untrained teacher was not included in the revised pension proposal. However, the impugned order of recovery was ordered on the contrary. Accordingly, the learned counsel appearing for the petitioner seeks to quash



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the order of recovery and to direct the respondents to pay pension and other benefits including DCRG, as per the revised pension proposal submitted by the second and third respondents vide proceedings dated 27.06.2023.

3. The learned counsel appearing for the petitioner reiterated the contentions stated in the affidavit filed in support of the writ petition and seeks indulgence of this Court.

4. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent Nos.1, 2 and 5 and the learned Standing Counsel appearing for the respondent Nos.3, 4 and 6.

5. Admittedly, the petitioner has been running from pillar to post since the date of retirement to include her past service as untrained teacher while calculating the pensionable service. She has approached this Court as early as in the year 2013 by filing W.P.No.33852 of 2013 raising similar contention as has been raised in the present writ petition. This Court, after carefully consideration of the materials placed before it, allowed the writ



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petition on 18.04.2022 and categorically held that insofar as the entitlement of the petitioner's claim to include her past services in a Government School as untrained teacher is concerned, Rule 11(4) of the Tamil Nadu Pension Rules, 1978, provides that half of the services rendered under the State Government in non-provincialised service, consolidated pay, honorarium, or daily wage basis in respect of Government employees absorbed in a regular service shall be counted for retirement benefits along with a regular service, subject to certain conditions laid down therein. Relying upon the said Rule, the said writ petition was allowed directing the respondents therein to count $\frac{1}{2}$ of the period of services rendered by her as untrained Secondary Grade Teacher from 23.10.1961 to 30.04.1968, as qualifying service for the purpose of pensionary benefits and consequently, revise all the terminal and pensionary benefits. This Court also directed that the respondents shall restrict the arrears of pension for a period of three years prior to the date of filing the writ petition (i.e.,) from 10.12.2013.

6. It is seen that though the aforesaid order was passed by this Court on 18.04.2022 and the second respondent sent a revised pension proposal to



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the third respondent on 27.06.2023, the same was rejected by the third respondent raising certain objections. Thereafter, again when the revised pension proposal was sent including the past service rendered by the petitioner, the same was once again rejected. On the contrary, a recovery order has been passed by the respondents. Therefore, the respondents have not considered the request of the petitioner for including the services rendered by her as untrained teacher, even before passing of the orders of this Court. Hence, this Writ Petition is allowed and the impugned order passed by the fourth respondent in proceedings No.P10/UNIT1/11032277/71-18452 dated 22.08.2024 is quashed. There shall be no order as to costs. Connected miscellaneous petition is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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To

- 1.The Commissioner,
Civil Supplies and Consumer Protection,
4th Floor, Ezhilagam,
Chepauk,
Chennai-600 005.
- 2.The Joint Commissioner,
Civil Supplies and Consumer Protection,
4th Floor, Ezhilagam,
Chepauk,
Chennai-600 005.
- 3.The Deputy Commissioner-I,
Civil Supplies and Consumer Protection,
4th Floor, Ezhilagam,
Chepauk,
Chennai-600 005.
- 4.The Assistant Commissioner,
Civil Supplies and Consumer Protection,
4th Floor, Ezhilagam,
Chepauk,
Chennai-600 005.
- 5.The Assistant Commissioner,
Civil Supplies and Consumer Protection,
Tsunami Quarters,
R.K.Nagar Zone,
Chennai-600 081.



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6.The Assistant Commissioner,
Civil Supplies and Consumer Protection,
T.Nagar Zone,
Chennai-600 035.



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M.DHANDAPANI, J.

ssb

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