

W.A(MD)Nos.186 to 189 and 203 of 2025

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DATED : 05.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)Nos.186 to 189 and 203 of 2025

and

C.M.P.(MD)Nos.1161, 1163, 1168, 1169 and 1224 of 2025

W.A(MD)No.186 of 2025:

- 1.The Director,
Veterinary and Animal Husbandry,
No.571, Annasalai,
Nanthanam, Chennai-45.
- 2.The Director,
The Government of Date Centre,
Kottupuram, Chennai.
- 3.The Regional Joint Director,
Veterinary and Animal Husbandry Department,
Karur.
- 4.The Assistant Director,
Veterinary and Animal Husbandry Department,
Opposite to Library,
Kavery Nagar,
Kulithalai, Karur-639 104.
- 5.The Assistant Treasury Officer,
Sub Treasury Office,
Taluk Office Campus,
Kulithalai, Karur District-639 104.

... Appellants



W.A(MD)Nos.186 to 189 and 203 of 2025

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K.Jayaraju

Vs.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22575 of 2023, dated 28.08.2024.

W.A(MD)No.187 of 2025:

- 1.The Director,
Veterinary and Animal Husbandry,
No.571, Annasalai,
Nanthanam, Chennai-45.
- 2.The Director,
The Government of Date Centre,
Kottupuram, Chennai.
- 3.The Regional Joint Director,
Veterinary and Animal Husbandry Department,
Karur.
- 4.The Assistant Director,
Veterinary and Animal Husbandry Department,
Opposite to Library,
Kavery Nagar,
Kulithalai, Karur-639 104.
- 5.The Assistant Treasury Officer,
Sub Treasury Office,
Taluk Office Campus,
Kulithalai, Karur District-639 104.

... Appellants

Vs.

K.Umaiya

... Respondent



W.A(MD)Nos.186 to 189 and 203 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22576 of 2023, dated 28.08.2024.

W.A(MD)No.188 of 2025:

- 1.The Director,
Veterinary and Animal Husbandry,
No.571, Annasalai,
Nanthanam, Chennai-45.
- 2.The Director,
The Government of Date Centre,
Kottupuram, Chennai.
- 3.The Regional Joint Director,
Veterinary and Animal Husbandry Department,
Karur.
- 4.The Assistant Director,
Veterinary and Animal Husbandry Department,
Opposite to Library,
Kavery Nagar,
Kulithalai, Karur-639 104.
- 5.The Assistant Treasury Officer,
Sub Treasury Office,
Taluk Office Campus,
Kulithalai, Karur District-639 104.

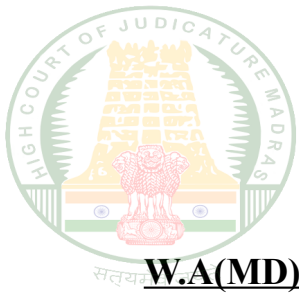
... Appellants

Vs.

P.Jagadeesan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22577 of 2023, dated 28.08.2024.



W.A(MD)Nos.186 to 189 and 203 of 2025

W.A(MD)No.189 of 2025:

WEB COPY

- 1.The Director,
Veterinary and Animal Husbandry,
No.571, Annasalai,
Nanthanam, Chennai-45.
- 2.The Director,
The Government of Date Centre,
Kottupuram, Chennai.
- 3.The Regional Joint Director,
Veterinary and Animal Husbandry Department,
Karur.
- 4.The Assistant Director,
Veterinary and Animal Husbandry Department,
Opposite to Library,
Kavery Nagar,
Kulithalai, Karur-639 104.
- 5.The Assistant Treasury Officer,
Sub Treasury Office,
Taluk Office Campus,
Kulithalai, Karur District-639 104.

... Appellants

Vs.

J.Amirthalingam

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22578 of 2023, dated 28.08.2024.

W.A(MD)No.203 of 2025:

- 1.The Additional Director,
Veterinary and Animal Husbandry,
No.571, Annasalai,
Nanthanam, Chennai-45.



W.A(MD)Nos.186 to 189 and 203 of 2025

2.The Director,
The Government of Date Centre,
Kottupuram, Chennai.

3.The Assistant Director of Veterinary and
Animal Husbandry,
Opposite to Library,
Kavery Nagar,
Kulithalai, Karur-639 104.

4.Treasuries and Accounts Department,
District Treasury,
Collector Office,
Karur District.

... Appellants

Vs.

K.Manivannan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.10302 of 2023, dated 28.08.2024.

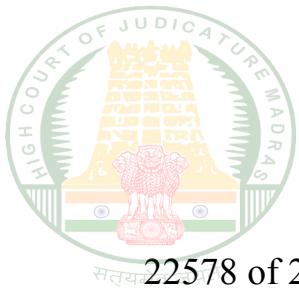
In all cases:

For Appellants	:Mr.Veera Kathiravan Additional Advocate General assisted by M/s.D.Farjana Ghoushia Special Government Pleader
For Respondent	:Mr.Porkodi Karnan

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The writ appeals are filed by the respondents in the writ petitions against the order, dated 28.08.2024, passed in W.P.(MD)Nos.10302, 22575 to



22578 of 2023.

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2. The writ petitions in W.P.(MD)Nos.22575 to 22578 of 2023 were filed for issuance of Writ of Certiorarified Mandamus, to quash the impugned orders and consequently, to direct the respondents to not to recover the Government contribution to the petitioners in CPS account and to disburse the entire accumulated amount in the petitioners' CPS accounts as final settlement within the time frame fixed by this Court.

3. The writ petition in W.P.(MD)No.10302 of 2023 is filed for issuance of Writ of Mandamus, to direct the respondents not to recover the Government contribution to the petitioner's CPS Account No.7202007 and consequentially, to direct the respondents to disburse the entire accumulated amount as final settlement within the time frame fixed by this Court.

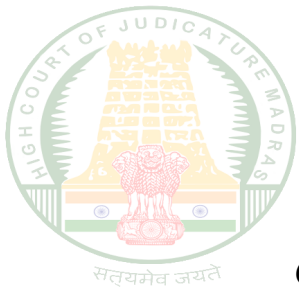
4. The brief facts as stated in the writ petition are that the writ petitioners were appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules as temporary employees and they were assigned CPS numbers and the contributions were made by both the writ petitioners and the



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respondents for several years. All of a sudden, the respondents stopped making contribution through CPS scheme from both the writ petitioners as well as the respondents and refund has been made only to the tune of petitioners' contribution and not the respondents' contribution. The contention of the writ petitioners is that while returning the CPS amount, the government ought to have returned the employer's contribution to the writ petitioners. The further contention of the writ petitioners is that for similarly placed persons, while closing their accounts, the contributions made by the employee as well as by the Government were refunded. But the petitioners were discriminated. In support of the writ petitioners' claim they have produced the payment disbursement order made to certain individuals who are temporary employees, according to the writ petitioners.

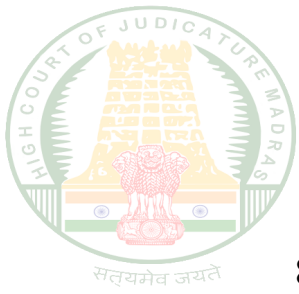
5. The contention of the Government is that the temporary employees are not entitled for contributory pension scheme, but CPS numbers have been assigned by mistake and the deductions were made from the petitioners and the Government has also made contributions. Once the mistake was found, the same was rectified in all fairness. Since the petitioners were entitled to their contribution, the same was refunded along with interest. However, as far as the contribution of the Government is concerned, the same was not refunded.



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6. After hearing the rival submissions, the Writ Court has held that the it is a mistake of the respondents (Government). Therefore, the payment made to be petitioners cannot be claimed. The Writ Court relied on the judgment rendered by the Hon'ble Supreme Court in the case of ***State of Punjab and Others Vs. Rafiq Masih*** reported in ***AIR 2015 SC 696*** and allowed all the writ petitions and consequently, directed the respondents to disburse the whole amount contributed by the writ petitioners and the Government along with interest in terms of G.O.No.430, dated 06.08.2004, within a period of 4 weeks. Aggrieved over the same, the present writ appeals are filed by the State.

7. Admittedly the writ petitioners were appointed under Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules as temporary employees. Any temporary employee would be entitled to salary, but not entitled any other benefits which the permanent employee is entitled to. One such benefit is contributory pension scheme (CPS). This scheme is allotted CPS account number on joining the service, then to deduct some amount from the salary of the permanent employee and an equal contribution would be paid by the government in the said CPS account.



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8. In the present case the writ petitioners being temporary employees are not entitled to CPS Scheme, but mistakenly CPS number was allotted, the employee contribution was deducted and the government contribution was paid in the account. After realising the mistake, the CPS scheme was cancelled and the contribution deducted from the employee was repaid along with interest. But the claim of the writ petitioner to disburse the government contribution along with interest.

9. This Court is of the considered opinion when the temporary employee is not entitled to CPS, then the deduction made from the employee contribution ought to be returned and the government had rightly returned along with interest. But when the employee is not entitled to CPS scheme, then the employee is not entitled to the government contribution. Further the CPS amount would be paid at the time of retirement on superannuation. Until such time the said government contribution would be in the said account only. When the CPS is cancelled, then the employee contribution was returned with interest and the government contribution was taken by the government. In such circumstances, no right accrued to the employee at all. Therefore, claiming the government contribution along with interest is unjust enrichment. And also the said amount is



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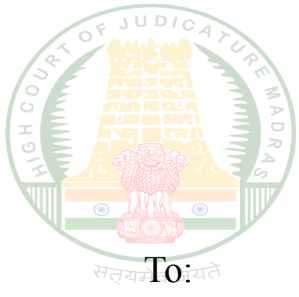
illegal in the hands of temporary employees, hence the same cannot be claimed by the writ petitioners. The judgment rendered in Rafiq Masih has no application in the present facts and circumstances of the case. Therefore, the order passed by the Writ Court is incorrect and the same is liable to be set aside.

10. With the above said observations, the writ appeals are allowed and the orders passed in the writ petitions are set aside. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
05.03.2025

Index : Yes / No

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W.A(MD)Nos.186 to 189 and 203 of 2025

J.NISHA BANU, J.

and

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