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W.P.(MD) No.1525 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.1525 of 2021

S.Sekar

... Petitioner

-VS-

- 1.The Commissioner
Hindu Religious and Charitable
Endowments Department
119, Uthamar Gandhi Salai
Thousand Lights West
Nungambakkam, Chennai
- 2.The Joint Director
Agriculture Department
Nagercoil, Kanyakumari District
- 3.The Joint Commissioner
Hindu Religious and Charitable
Endowments Department
Dindigul, Dindigul District
- 4.The Executive Officer
Arulmighu Dhandayuthapani Swamy Temple
Palani, Dindigul District



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5.The Executive Officer
Arulmighu Kala Megaperumal Temple
Thirumoogur, Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for entire records relating to the impugned proceedings in Oo.Mu.No.21617/2020/B2 dated 03.09.2020 issued by the first respondent and quash the same as illegal and consequently to direct the respondents 1, 3 and 4 to take 50% of service rendered by writ petitioner between 09.04.1987 to 09.05.1997 at 5th respondent temple on consolidated pay along with regular service for calculating the qualifying service for the purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules, within the time limit fixed by this Court.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R3
Mr.R.Murali
Standing Counsel for R4
Mr.S.Manohar
Standing Counsel for R5



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ORDER

This writ petition has been filed challenging the impugned order dated 03.09.2020, passed by the first respondent, seeking to take 50% of the service rendered by the petitioner between 09.04.1987 to 09.05.1997 in the fifth respondent – Temple on consolidated pay along with his regular service for calculating the qualifying service for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules.

2. The first respondent has rejected the petitioner's request, on the ground that the service rendered by the petitioner in the fifth respondent – Temple cannot be taken into account for the purpose of calculating pension.

3. However, in this writ petition various grounds have been raised and in particular, Rule 11(4) of the Tamil Nadu Pension Rules has been relied upon by the petitioner, which, according to the petitioner, enables the respondents to take into account the period from 09.04.1987 to 09.05.1997 when the petitioner was working in the fifth respondent – Temple on consolidated pay basis for the purpose of calculating pension along with his regular service.



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4. This Court finds that the impugned order is a non-speaking order with regard to the contentions of the petitioner as raised in this writ petition. Even though a counter affidavit has been filed by the first respondent denying the contentions of the petitioner, those objections are not revealed in the impugned order. Hence, in the interest of justice, being a non-speaking order, this Court deems it fit to quash the same and remand the matter back to the very same respondent (first respondent) for fresh consideration of the petitioner's case on merits and in accordance with law.

5. Accordingly, the petitioner is directed to submit a detailed explanation giving reasons as to why the period of his service in the fifth respondent – Temple between 09.04.1987 and 09.05.1997 has to be counted for the purpose of calculating pension payable to him along with his regular service thereafter within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the petitioner's explanation within a period of twelve weeks thereafter.



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6. With the above directions, this writ petition is disposed of. No costs.

31.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

- 1.The Commissioner,
Hindu Religious and Charitable
Endowments Department,
119, Uthamar Gandhi Salai,
Thousand Lights West,
Nungambakkam, Chennai.
- 2.The Joint Director,
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- 3.The Joint Commissioner,
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ABDUL QUDDHOSE, J.

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