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W.A.(MD)NO.1672 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.1672 of 2025 AND
C.M.P.(MD)Nos.9342 & 9343 of 2025

K.Deepa

... Appellant / Petitioner

Vs.

1. The Commissioner,
Government Data Centre,
Chennai – 600 002.
2. The District Elementary Educational Officer,
Kulithalai,
Karur District.
3. The Block Educational Officer,
Krishnarayapuram,
Karur – 639 102.
4. The Correspondent,
St.Joseph Women Government Aided Primary School,
Pa.Udaiyapatti Kadavur Illam,
Karur District – 639 119. ... Respondents / Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to allow this writ appeal and set aside the order dated 18.12.2024 passed by the learned single Judge in W.P.(MD)No.2163 of 2021 on the file of this Court.



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For Appellant : Mr.G.Anto Prince

For R-1 to R-3 : Mr.C.Venkatesh Kumar,
Special Government Pleader.

* * *

J U D G M E N T**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The appellant herein was appointed as Secondary Grade Teacher in an aided private school on 28.04.2003. But erroneously she was placed under the old pension scheme. It is well settled that the cut-off date is on 01.04.2003. When this error was discovered, the order dated 30.09.2020 was passed by the Commissioner, Government Data Centre, Chennai, bringing the appellant under the Contributory Pension Scheme and closing the earlier pension account. This was put to challenge in W.P.(MD)No.2163 of 2021. The learned single Judge vide order dated 18.12.2024 dismissed the writ petition. Paragraph Nos.2 and 3 of the said order read as follows:-

“ 2.Today(18.12.2024), when this writ petition is taken up for hearing, the learned



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Government Advocate by referring to the order of the Full Bench reported in 2020(3) MJ 369 in Government of Tamil Nadu Vs.. R.Kaliyamoorthy and the judgment of this Court in a batch of writ petitions in WP(MD) No.151 of 2021 etc., dated, 16.11.2021 submits that the persons, who have been similarly placed and appointed in the same School have already been dealt with in the above batch of writ petitions and the similar request of the other teachers, who were appointed along with these petitioners were rejected by this Court, by order dated 16.11.2021 and the relevant portion from this Court is extracted as under:-

“8. The learned Special Government Pleader has also relied on the order of the Full Bench reported in 2020(3) MJ 369 (Government of Tamil Needy vs. R.Kaliyamoorthy), wherein, the Full Bench in paragraph 45 of the order has held as follows:- “Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of W.A.No.158 of 2016 etc., batch proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003.

“Those Government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10(a) (1) of Tamil



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Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularized before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

Those Government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a)(1) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.”

A same decision has also been taken in W.A.No1.158 of 2016 etc, batch. In view of the pension rules, they are entitled only Contributory Pension Scheme. This issue has already been settled by this Court.

9. The petitioners were appointed on 11.04.2003 and 30.04.2003 respectively and therefore, as per Tamil Nadu Pension Rules, and the



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orders of Hon'ble Full Bench of this Court, this writ petitions are liable to be dismissed. However, considering the difficulty expressed by the petitioners, a direction is issued to the respondents to recover the amount from the petitioner's salary for a sum of Rs.10,000/- per month instead of Rs. 16,000/- per month.

3.It appears that following the principles laid down by the Honourable Full Bench of this Court reported in 2020(3) MJ 369 in Government of Tamil Nadu Vs.. R.Kaliyamoorthy, the request of the similarly placed persons, who are appointed in a similar manner has been rejected. Therefore this Court is not inclined to entertain this writ petition.”

3. The approach adopted by the learned single Judge cannot be faulted. There is no merit in the writ appeal. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
2nd July 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

PMU

To:

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