



W.A.(MD)No.1270 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On:06.11.2025

Pronounced On: 25.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1270 of 2024

and

C.M.P(MD)No.8177 of 2024

Sankarasubramanian

...Appellant/Petitioner

/Vs./

1.The Accountant General,
Accounts & Entitlement,
Nandhanam,
Chennai-18

2.The District Collector,
Tuticorin District,
Tuticorin.

3.The Tahsildar,
Srivaikundam Taluk,
Tuticorin District.

...Respondents/
Respondents



W.A.(MD)No.1270 of 2022

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent, against the order dated 19.03.2024 passed by this Court in W.P(MD)No.31241 of 2023.

For Appellant : Mr.P.Krishnasamy
For R2, R3 : Mr.S.P.Maharajan,
Special Government Pleader
For R1 : No appearance

JUDGMENT

(Judgment of the Court was made by **C.KUMARAPPAN, J.**)

The present Writ Appeal arising against the order of the learned single Judge in W.P(MD)No.31241 of 2023 dated 19.03.2024 .

2.The main grievance of the appellant is that his claim for pension was rejected.

3.Heard Mr.P.Krishnasamy, learned counsel appearing for the appellant and Mr.S.P.Maharajan,learned Special Government Pleader appearing for the second and third respondents.



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4.The learned counsel appearing for the appellant would submit that the appellant was appointed as Noon Meal Organiser on 01.02.1983 and thereafter, he passed the examination conducted, as per G.O.Ms.No.439 Revenue Pani-7(1), Department, dated 15.07.2008. In pursuance there of, the appellant was selected as Village Administrative Officer of Sernthamangalam Village, Thiruchendur Taluk, vide proceedings dated 12.02.2009. The learned counsel would also draw the attention of this Court about the certificate issued by Karungulam Panchayat Union, where it is stated that the appellant had worked as a Noon Meal Organizer between the period 01.02.1983 and 17.02.2009. The learned counsel would further submit that the appellant retired from service on attaining the age of superannuation on 31.03.2018. However, in spite of his request, the official respondents did not sanction the pension. He would further submit that the learned single Judge has also not considered the above material facts. Hence, he prays to interfere with the order of the learned single Judge.



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5.Per contra, the learned Special Government Pleader would vehemently contend that though the appellant was appointed on 01.02.1983 as Noon Meal Organizer, it was a non provincialised post, and that he brought into the regular establishment qua time scale of pay with effect from 13.02.2009 and retired on 31.03.2018. It is also the contention of the learned Special Government Pleader that during the service of the appellant, he was in the consolidated pay and, on and after his appointment as the Village Administrative Officer, he was brought into pensionable service and was subscribed to contributory pensionary scheme. Therefore, he would submit that the appellant is not eligible for old pension scheme. Hence, prayed to dismiss this appeal.

6.We have given our anxious consideration of the submission made on either side.

7.As rightly submitted by the learned appellant counsel, Karungulam Panchayat Union has given a certificate to the effect that the appellant had worked as a Noon Meal Organizer between 01.02.1983 and



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17.02.2009. But to have a pension, it is essential that such service should be in a pensionable establishment, whereas in the case in hand, admittedly, the appellant had worked in a consolidated pay during the above period. Only on 13.02.2009, he was appointed as Village Administrative Officer and he was posted to Sernthamangalam Village.

8. But, the learned counsel for the appellant referred about the Rule 11 of the Tamil Nadu Pension Rules, which deals about the commencement of qualifying service. As already discussed the appellant was admittedly working in a consolidated pay until he was appointed as Village Administrative Officer in the year of 2009. He would also refer about the Section 11(4) of the Tamil Nadu Pension Rule, which again stipulates a cut off date that the absorption into the regular service should be prior to 1st April 2003.

9. In the case in hand, the appellant was absorbed into the regular service only on 13.02.2009. The learned single Judge has elaborately considered all these aspects and had also relied upon the Full



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Bench decision in *The Government of Tamil Nadu, represented by Secretary to Government, Public Works Department, Secretariat, Chennai V R.Kaliyamoorthy*, reported in **2019(6)CTC 705**, Wherein, this Court in Para-45 has observed as follows:

45. In the light of the above, we answer the reference as follows:-

i)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.

(ii)Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii)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 regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv)Those government servants who were appointed in the aforesaid four categories before the cut off date and



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later appointed under Rule 10 (a) (i) 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 W.A.No.158 of 2016 etc., batch their past service for the purpose of determination of qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in 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."

10.The Hon'ble Full Bench has reiterated the rule position of the Rule 11(4) of the Tamil Nadu Pension Rules, and has held that unless the Government servant is regularised before 01.04.2003, the employees non provincialized service on a consolidated pay, or on honorarium can not be counted for the purpose of conferment of pensionary benefits. In view of the above ratio, this Court absolutely does not find any merits in the present appeal, and the appellant also has not made out any grounds to interfere with the well merited order of the learned single Judge.



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11.In view of the above detailed discussion, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[A.S.M.J.] & [C.K.J.]
25.11.2025

NCC :Yes/No

Index :Yes/No

Internet :Yes

Ns

To

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and
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Dated:
25.11.2025