



WP(MD)No.15438 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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V.Pandi

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai.

3.The Chief Educational Officer,
Madurai District,
Madurai.

4.The District Educational Officer,
Madurai Educational District,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents to count half of the service rendered by the petitioner as Sweeper from 08.01.1982 to 29.12.2006 along with regular services rendered by the petitioner as a night watchman from 29.12.2006 to 30.04.2018 as qualifying service and



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subsequently grant pension with all consequential benefits and arrears with interest.

For Petitioner : Mr.K.C.Maniyarasu
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner was regularized as a Watchman in the school education department on 29.12.2006. Prior to his regularization, he was permitted to work as a part-time sweeper in the Government High School Kadupatti from 08.01.1982 to 29.12.2006. The petitioner has retired from service on 30.04.2018. Thereafter, he has filed this writ petition seeking a mandamus to count half of his period of service as part time sweeper from the year 1982 to 2006 for the purpose of calculating pension benefits.

2.As per Rule 11(4) of the Tamil Nadu Pension Rules, the petitioner is not entitled for the relief, since he has been regularized only in the year 2006. This issue has already been decided by the Hon'ble Full Bench in ***Government of Tamil Nadu Vs. R.Kaliyamoorthy*** reported in ***2020 2 MLJ 369*** as under:



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“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 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.



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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."

3.In view of the above decision, the relief sought for in this writ petition cannot be granted and this Court is not inclined to entertain this writ petition. Accordingly this writ petition is dismissed. No costs.

02.01.2025

DSK



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To

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DSK

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