



W.A.(MD)No.1785 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.1785 of 2021

R.Kaliyaperumal

... Appellant /
Writ Petitioner

Vs.

1.The Senior Accounts Officer,
Office of the P.R.Accountant General,
(Accounts & Entitlements),
361, Anna Salai,
Chennai – 600 018.

2.The State represented by
The Secretary to Government,
Chennai.

3.The Finance Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to allow the writ appeal and set aside the order passed in W.P(MD)No.9488 of 2012 dated 10.02.2021 on the file of this Court.



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For Appellant : Mr.I.Pinaygash
for Ms.S.Prabha

For Respondents : Mr.P.Gunasekaran
Standing Counsel for R.1

Mr.S.Shaji Bino
Special Government Pleader
for R.2 & R.3

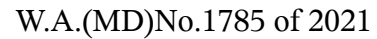
JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The unsuccessful writ petitioner is the appellant before us.

2.The appellant was initially appointed as Junior Assistant in the Tamil Nadu Judicial Ministerial Services and posted in the Principal District Munsif Court, Kumbakonam vide order dated 13.07.2000. He joined duty on 08.09.2000. He was also allotted with permanent GPF number. He was also paying subscription towards the same. It is true that he had not withdrawn any amount from his account till date.

3.While so, he was appointed as Program Assistant in Tamil Nadu Agriculture University, Coimbatore vide order dated 31.05.2007. Thereupon, the appellant requested the learned Principal District Judge, Thanjavur to relieve him from the service of the Judicial Department.



Based on the appellant's application dated 06.06.2007, the appellant was relieved from the Judicial Department with effect from 07.06.2007.

4. The appellant joined duty as Program Assistant (Technical) in the Tamil Nadu Agriculture University with effect from 11.06.2007. When he was in service of the University, he was selected as Agricultural Inspector by the Teachers Recruitment Board and appointed in a Government School with effect from 22.01.2009. He got relieved from the University earlier on 19.01.2009.

5.The writ petitioner requested the department to include the service put in by him in the Judicial Department as well as in the Tamil Nadu Agriculture University. His request was rejected by the Senior Accounts Officer, Office of the Principal Accountant General, Chennai vide order dated 03.10.2011. Challenging the same, the appellant filed W.P(MD)No.9488 of 2012. The learned single Judge vide order dated 10.02.2021 dismissed the writ petition in the following terms:

“6. Admittedly, the petitioner was initially appointed as Assistant in the Tamil Nadu Judicial Ministerial Service and he joined duty on 08.09.2000. He was also allotted with permanent GPF account number



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as 32702/Judl and he was paying subscription towards that GPF account. Subsequently, he joined duty in the Agriculture University, Coimbatore as Programme Assistant [Technical] vide proceedings No.R1/3152/206, dated 31.05.2007. It is to be noted that only on his request, he was relived from the Judicial Ministerial Service by the Principal District Judge, Thanjavur vide proceedings order No.A76/2007/A1, dated 06.06.2007 with effect from 07.06.2004 AN. Further he was selected as Agriculture Instructor by the Teacher's Recruitment Board and appointed in Government Higher Secondary School at Elaiyurvariyanakaval in Ariyalur District [Earlier Perambalur District] and therefore, on 17.02.2009 the Agriculture University, Coimbatore relieved the petitioner from the post of Programme Assistant [Technical] on his resignation on 20.01.2009.

7.Though the petitioner claims that he was relived from service so as to enable him to join in the new post, it is clear from the typed set of papers filed by the Agriculture University, Coimbatore, that the petitioner himself has resigned the said posts and only on his resignation and request, he was relieved from the earlier service. Once he resigns the job, he cannot claim continuity of service for the purpose of pension.

8.Further a perusal of the said G.O.Ms.No.441 shows it is applicable only to the non teaching staff of the Government and Universities, who take up appointment



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under Universities and counting of service rendered by them for the purpose of pension, whereas the petitioner, then non teaching staff of the University took up the appointment in the Government Service in School Department and therefore, this Government Order cannot be made applicable to the petitioner's case. Further the service of the petitioner under the University is also not a Government Service, which cannot be treated as pensionable service. The petitioner shall be treated as a entrant to the Government Service on 22.01.2009 and the earlier services rendered by the petitioner cannot be taken into account for the purpose of pension, as he has resigned the post.

9. Therefore, this Court does not incline to interfere with the impugned order passed by the 1st respondent stating that the petitioner is eligible to come under Contributory Pension Scheme only as his date of joining in the Government Higher Secondary School is 22.01.2009, after the date of 01.04.2003, without continuity of service and accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed."

Aggrieved by the same, this Writ Appeal has been filed.

6. The learned counsel for the appellant reiterated all the contentions set out in the grounds of appeal. He pointed out that since



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the appellant was appointed on a regular basis prior to 01.04.2003, he is

entitled to the benefit of the ruling rendered by the Hon'ble Full Bench in

Government of Tamil Nadu Vs R.Kaliyamoorthy (2019 (6) CTC 705).

He would further add that the discontinuance from the Judicial Department was only on technical grounds, as the appellant had secured employment in the Tamil Nadu Agricultural University, and therefore the same should not be treated as a break in service. He relied on G.O(Ms)No.441 Finance (Pension) Department dated 13.09.2007 and argued that the service put in by the appellant in Tamil Nadu Agriculture University should also be counted. He called upon this Court to set aside the order of the learned single Judge and grant relief as prayed for.

7.Per contra, the learned Standing Counsel appearing for the first respondent as well as the Special Government Pleader appearing for the respondents 2 and 3 submitted that the learned single Judge had correctly approached the issue and that interference with the said order is not warranted.

8.We carefully considered the rival contentions and went through the materials on record.



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9.The only question that calls for consideration is whether the service rendered by the appellant prior to his joining as Agriculture Inspector was in pensionable post. It is true that the post of Junior Assistant in Tamil Nadu Judicial Ministerial Service is a pensionable post. However, he had quit the said service on 07.06.2007. Thereafter, he had joined as Program Assistant (Technical) in Tamil Nadu Agriculture University. The appointment order dated 31.05.2007 has been enclosed in the typed set of papers. Clauses 4(IV) and 4(VIII) of the said appointment order read as follows:

“IV. He/ She will have to give an undertaking in writing at the time of joining that on expiry of the Scheme / project, he / she will have no claim for continuing in the employment of TNAU.

...

VIII. This is ICAR KVK post. If the KVK (ICAR) scheme is closed, the post will be terminated on the date of closure of the KVK.”

From a bare look at the said appointment order, one can easily conclude that the appellant was appointed in a scheme post.

10.The learned Standing Counsel for the first respondent drew our attention to the relevant provision of the Tamil Nadu Agricultural



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University Act, 1971. Section 28 of the said Act provides that the University shall have a general fund. The writ petitioner / appellant had obviously been paid out of the said general fund. In other words, the State Government was not the writ petitioner's paymaster. Rule 12(2) of the Tamil Nadu Pension Rules, 1978 reads as follows:

“12.Conditions subject to which service qualifies:-

(2) For the purpose of sub-rule (1) the expression “service” means service under the Government and paid by the Government from the Consolidated Fund of the State, or a local fund administered by that Government but does not include service in a non-pensionable establishment unless such service is treated as qualifying service by that Government.”

11.G.O(Ms)No.441 Finance (Pension) Department dated 13.09.2007 would apply in favour of the appellant only if it is shown that the post of Program Assistant (Technical) in Tamil Nadu Agriculture University held by the writ petitioner was a pensionable post and not otherwise. We are more than satisfied that the said post was not a pensionable post. That is why, the learned single Judge did not grant relief to the writ petitioner. Interference with the said order is not warranted.



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12.This Writ Appeal stands dismissed. No costs.

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[G.R.S., J.] [R.K.M, J.]
09.12.2025

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

To

- 1.The Senior Accounts Officer,
Office of the P.R.Accountant General,
(Accounts & Entitlements),
361, Anna Salai,
Chennai – 600 018.
- 2.The Secretary to Government,
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- 3.The Finance Secretary,
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