

W.A(MD)No.1304 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1304 of 2020
and
C.M.P(MD)No.7503 of 2020**

- 1.The State represented by
The Secretary,
Department of Revenue,
Fort St.George,
Chennai.
- 2.The District Collector,
Tirunelveli District,
Tirunelveli.
- 3.The Tahsildar,
Palayamkottai Taluk Office,
Tirunelveli District.

... Appellants /
Respondents 2 to 4

Vs.

1.A.Subramanian

... Respondent /
Writ Petitioner



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2.The Principal Accountant General
(A&E) Pension,
391, Anna Salai,
Chennai.

... 2nd Respondent /
1st Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.02.2020 in W.P(MD)No.22380 of 2018.

For Appellants : Mr.N.Satheesh Kumar
Additional Government Pleader

For Respondents : Mr.T.S.Mohamed Mohideen for R.1
Mr.P.Gunasekaran for R.2

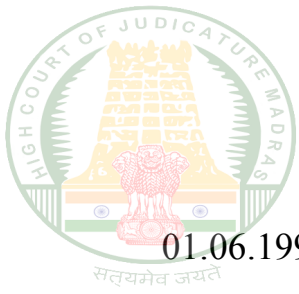
JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The State has filed this Writ Appeal questioning the order dated 10.02.2020 allowing W.P(MD)No.22380 of 2018 filed by the first respondent herein.

3.The first respondent herein was holding the post of Village Assistant (Thalayari) from 1985. His services were regularised with the effect from



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01.06.1995. He retired on 31.03.2018. The writ petitioner wanted 50% of the service from 1985-1995 to be counted for pensionary benefits. Following some of the earlier orders passed by the Hon'ble Division Bench, the learned single Judge allowed the writ petition as prayed for.

4.The issue raised in this writ appeal is no longer *res integra*. The matter has been authoritatively settled by the Hon'ble Division Bench in the decision reported in **2021 3 MLJ 92 (State of Tamil Nadu Vs E.Balachandran)**. The said order was subsequently confirmed by the Hon'ble Supreme Court also. In this view of the matter, the order impugned in the writ petition is set aside.

5.This Writ Appeal is allowed accordingly. The petitioner is given liberty to seek pension under Tamil Nadu Village Assistant Pension Rules, 1995. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
12.08.2025

NCC : Yes / No
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and

K.RAJASEKAR, J.

MGA

To

The The Principal Accountant General
(A&E) Pension,
391, Anna Salai,
Chennai.

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