



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A(MD)Nos.1553 to 1561 of 2016
and
W.P(MD)No.23670 of 2016
and
W.M.P(MD)No.17001 of 2016**

1.W.A(MD)No.1553 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Headmaster,
Marudhupandiar Government Higher Secondary School,
Narikkudi,
Virudhunagar District.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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4.The Headmaster,
Government High School,
Thailapuram,
Virudhunagar District.

5.The Headmaster,
Government High School,
Vidathakulam – 626 607,
Virudhunagar District.

... Appellants/Respondents

vs.

1.S.Rajamani
2.S.Rajalakshmi
3.A.Maruthan

... Respondents/Writ Petitioners

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.591 of 2016 on the file of this Court.

2.W.A(MD)No.1554 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.

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3.The Headmaster,
Government Higher Secondary School,
Thangammalpuram,
Theni District.

4.The District Project Officer,
Theni District,
Theni.

... Appellants/Respondents

vs.

1.A.Sakkanan
2.M.Vijayalakshmi
3.S.Revathi Devi

... Respondents/Writ Petitioners

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.593 of 2016 on the file of this Court.

3.W.A(MD)No.1555 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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3.The Headmaster,
Government Higher Secondary School,
Puthanatham, Trichy District.

4.The Headmaster,
Government High School,
Sinthampatti, Musiri,
Trichy District.

5.The Headmaster,
Government Higher Secondary School,
Peruvalappur,
Trichy District.

6.The Headmaster,
Government High School,
Peruvalanallur,
Trichy District.

7.The District Project Officer,
Trichy District,
Trichy.

8.The District Social Welfare Officer,
Trichy District,
Trichy.

... Appellants/Respondents

vs.

1.M.Vasanthalakshmi
2.R.Chandrasekaran
3.Rethinasamy
4.K.Tamilarasi
5.N.Rajeswari
6.G.Pushpavalli
7.S.Chandra

... Respondents/Writ Petitioners



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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.594 of 2016 on the file of this Court.

4.W.A(MD)No.1556 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Headmaster,
Government Boys High School,
R.S.Mangalam,
Ramanathapuram District.
- 4.The District Social Welfare Officer,
Ramanathapuram District,
Ramanathapuram.

... Appellants/Respondents

vs.

- 1.K.Ramachandran
- 2.A.Prema
- 3.N.Yogambigai

... Respondents/Writ Petitioners



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.595 of 2016 on the file of this Court.

5.W.A(MD)No.1557 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 3.The Assistant Elementary Educational Officer,
Panchayat Union Middle School,
Manjakudi,
Pudukkottai District.
- 4.The Headmaster,
Government High School,
Mangalanadu East,
Aranthangi,
Pudukkottai District.
- 5.The Headmaster,
Government High School,
Vallaviduthi,
Pudukkottai District.



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6.The Headmaster,
Government Higher Secondary School,
Mimisal, Pudukottai District.

7.The Headmaster,
Government High School,
Odugampatti,
Pudukkottai District.

... Appellants/Respondents

vs.

1.S.Palraj
2.K.Karuppaiah
3.S.Sekar
4.C.Rajamanickam
5.R.Sumathi

... Respondents/Writ Petitioners

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.596 of 2016 on the file of this Court.

6.W.A(MD)No.1558 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The District Social Welfare Officer,
Kanyakumari District.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

WEB COPY 3.The District Project Officer,
Kanyakumari District.

... Appellants/Respondents

vs.

- 1.G.Mary Pushpam
- 2.P.Lilly Bai
- 3.S.Suseela
- 4.J.Jayalakshmi
- 5.K.Lisammal
- 6.V.Sivakami
- 7.R.Ramalakshmi
- 8.S.Kannammal
- 9.P.Mary
- 10.E.Neelapillai

... Respondents/Writ Petitioners

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.597 of 2016 on the file of this Court.

7.W.A(MD)No.1559 of 2016:

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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3.The Headmaster,
Government Higher Secondary School,
Marathamputhur,
Alangulam Taluk,
Tirunelveli District.

4.The Assistant Elementary Educational Officer,
Panchayat Union Middle School,
Palayamkottai,
Sengulam Rural,
Tirunelveli District.

5.The Headmaster,
A.V. Joseph Government Higher Secondary School,
Ittamozhi,
Nanguneri Taluk,
Tirunelveli District.

... Appellants/Respondents

vs.

1.B.Amutha
2.A.Swamidhas Jeyapal
3.I.Subramanian

... Respondents/Writ Petitioners

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.598 of 2016 on the file of this Court.

8.W.A(MD)No.1560 of 2016:

1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious Meal Programme,
Fort St. George, Chennai – 600 009.

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2.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.

3.The Headmaster,
Government High School,
E.Sukkampatti,
Karur – 621 311.

... Appellants/Respondents

vs.

T.K.Srinivasan

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.599 of 2016 on the file of this Court.

9.W.A(MD)No.1561 of 2016:

1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George, Chennai – 600 009.

2.The District Social Welfare Officer,
Cheranmahadevi,
Tirunelveli District.

... Appellants/Respondents

vs.

S.Gowri

... Respondent/Writ Petitioner

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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.01.2016 made in W.P(MD)No.600 of 2016 on the file of this Court.

In all W.As':

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondents : No appearance

10.W.P(MD)No.23670 of 2016:

S.Jesililly Flora

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Social Welfare and Nutritious
Meal Programme,
Fort St. George,
Chennai – 600 009.
- 2.The Commissioner of Social Welfare,
Chepauk,
Chennai – 5.
- 3.The Director of Social Welfare,
Directorate of Social Welfare Department,
Chennai – 600 002.
- 4.The Principal Secretary/Special Commissioner,
Integrated Child Development Scheme,
Tharamani, Chennai – 600 113.

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W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

5.The District Project Officer,
Integrated Child Development Scheme,
Karur District, Karur.

6.The District Social Welfare Officer,
Karur District, Karur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned G.O.Ms.No.34, Social Welfare and Nutritious Meal Programme Department, dated 14.03.2013 issued by the first respondent quash the same in so far as the petitioner is concerned and direct the respondents to count 50% of the petitioner's consolidated service rendered as Noon Meal/Integrated Child Development Scheme Services pursuant to G.O.Ms.No.6, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2010 issued by the first respondent and award pension and arrears of pension.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.J.Ashok
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The intra-Court Appeals viz., W.A(MD)Nos.1553 to 1561 of 2016 have been instituted to assail the writ orders dated 27.01.2016 in W.P(MD)Nos. 591, 593, 594, 595, 596, 597, 598, 599 and 600 of 2016 respectively.

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2.W.P(MD)No.23670 of 2016 has been instituted seeking to quash the impugned G.O.Ms.No.34, Social Welfare and Nutritious Meal Programme Department, dated 14.03.2013 issued by the first respondent, insofar as the petitioner is concerned and to direct the respondents to count 50% of the petitioner's consolidated service rendered as Noon Meal/Integrated Child Development Scheme Services pursuant to G.O.Ms.No.6, Social Welfare and Nutritious Meal Programme Department, dated 06.01.2010 issued by the first respondent and to award pension and arrears of pension.

3.The issues raised in these batch of Writ Appeals and Writ Petition are that whether the Anganwadi workers appointed temporarily under a Government scheme are eligible to count the services as Anganwadi workers as qualifying service for pension under the Tamil Nadu Pension Rules, 1978.

4.Admittedly, the post of Anganwadi worker is not a sanctioned post and the individuals were appointed under a scheme formulated by the Government. The post of Anganwadi worker does not fall under the pensionable establishment, although their services were subsequently regularized under the pensionable establishment, considering the fact that they served for long years.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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5.The learned Additional Government Pleader brought to the notice of this Court that these Anganwadi workers were regularized in sanctioned posts after 01.04.2003. Pertinently, the candidates possessing graduate qualifications were absorbed in the post of B.T Assistant after undergoing the qualifying examination. Other Anganwadi workers, who were not qualified for the post of B.T Assistant, were absorbed in the posts of Supervisor Grade II or Rural Welfare Officer in the Social Welfare Departments.

6.Thus, all the temporary Anganwadi workers engaged under the Government schemes and who served for long years were absorbed in sanctioned posts after 01.04.2003 and their services were regularized.

7.These erstwhile Anganwadi workers filed Writ Petitions claiming retrospective service benefits from the date on which they were engaged as Anganwadi workers under the scheme.

8.The learned Single Judge since allowed the Writ Petitions, the present Writ Appeals came to be instituted by the State.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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9.The issue in this regard is to be considered in the context of the Tamil Nadu Pension Rules, 1978. Rule 2 of the Tamil Nadu Pension Rules, 1978 states about 'Application' and reads as under:

“2.Application – Save as otherwise provided in these rules, these rules shall apply to all Government servants appointed to services and posts in connected with the affairs of the State which are borne on pensionable establishments whether temporary or permanent, but shall not apply to -

- (a) persons in casual and daily rated employment;*
- (b) persons paid from contingencies;*
- (c) persons employed on contract except when the contract provides otherwise;*
- (d) members of the All-India Services;*
- (e) persons entitled to the benefit of Contributory Provident Fund;*
- (f) persons who are entitled to the benefits under the Factories Act, 1948 and the Employees' Provident Fund Act, 1952, excluding those who are governed by Statutory Service Rules and belong to pensionable service.”*

10.With reference to Rule 2 cited supra, all Government servants appointed to services and posts in connection with the affairs of the State which are borne



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on pensionable establishments whether temporary or permanent alone is eligible to avail benefits under the Tamil Nadu Pension Rules, 1978.

11.The next question would be whether the Anganwadi workers are eligible for counting of 50% of the services as qualifying service. Rule 11(2) of the Tamil Nadu Pension Rules, 1978 in unequivocal terms reiterates as follows:

“Half of the service rendered by State Government employee under non-pensionable establishment shall be allowed to be counted for pensionary benefits along with regular service under pensionable establishment subject to the following conditions.

(a) Service under non-pensionable establishment should have been in a job involving whole time employment.

(b) The service under non-pensionable establishment should have been on time scale of pay.

(c) The service under non-pensionable establishment should have been continuous and followed by absorption in pensionable establishment without a break.”



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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12.The post of Anganwadi worker is a part-time job and not a full-time employment. The appointments are made under the scheme formulated by the Government, since the expenditures are met out by the Central Government and State Government respectively. Rule 11(2)(a) stipulates that service under a non-pensionable establishment should have been in a job involving whole-time employment. Since the Anganwadi worker post is a part-time employment, even half of the services rendered cannot be reckoned as qualifying services in view of the Rule cited supra.

13.The terms of appointment are binding and the benefits which are not conferred under the terms of appointment cannot be claimed.

14.When the initial engagement of the respondents are not falling under the pensionable establishment and as per their service conditions their appointments are governed under the scheme framed by the Government, the benefits, which are all otherwise not conferred under the scheme cannot be claimed after securing the benefit of regularization from the Government by way of concession.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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15.Counting of 50% of the services rendered by an employee whether to be reckoned as qualifying service or not has been decided by the Full Bench of this Court in the case of the ***Government of Tamil Nadu, Represented by the Secretary to Government, Public Works Department and others Vs. R.Kaliyamoorthy*** reported in ***2019 (6) CTC 705***. The relevant paragraph 45 stands extracted hereunder:

“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 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.



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

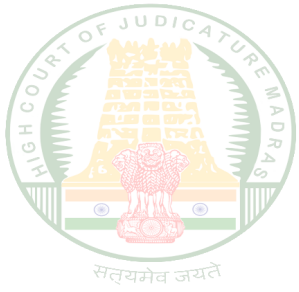
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(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered 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 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."

16.In view of the facts and circumstances, the respondents are not eligible to avail the benefits under the Tamil Nadu Pension Rules, 1978. Beyond the Tamil Nadu Pension Rules, 1978 the services of the respondents are admittedly regularized after 01.04.2003. Therefore, they are governed by the



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Contributory Pension Scheme (New Pension Rules). Rule 1(2) of the Tamil Nadu Pension Rules, 1978, proviso clause states that *“provided that these rules shall not apply to Government servants appointed on or after 1st April 2003 to services and posts in connection with the affairs of the State which are borne on pensionable establishments, whether temporary or permanent.”*.

17.Since the provisions of the Tamil Nadu Pension Rules, 1978, (old pension scheme) are not at all applicable to the employees appointed to the Government posts in connection with the affairs of the State and borne on non-pensionable establishments after 01.04.2003, the question of considering the case of the respondents under the Tamil Nadu Pension Rules, 1978 does not arise at all. The Tamil Nadu Pension Rules, 1978 have no application in respect of the services rendered by the respondents, since their services as part-time Anganwadi workers were in a non-pensionable establishment and their permanent appointment in the Government Department was made after 01.04.2003, more specifically after the implementation of Contributory Pension Scheme (new pension scheme).



W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

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18.For all these reasons, the Writ Appeals deserve to be considered.

Accordingly, the orders, dated 27.01.2016 passed in W.P(MD)Nos.591, 593, 594, 595, 596, 597, 598, 599 and 600 of 2016 respectively are set aside and W.A(MD)Nos.1553 to 1561 of 2016 stand allowed and W.P(MD)No.23670 of 2016 stands dismissed. There shall be no as to costs. Consequently, connected Miscellaneous Petition is closed.

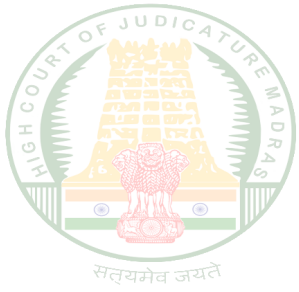
[S.M.S.,J.] & [A.D.M.C.,J.]
04.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The Secretary,
Represented by the Government of Tamil Nadu,
Social Welfare and Nutritious
Meal Programme, Fort St. George, Chennai – 600 009.
- 2.The Principal Secretary,
Represented by the Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 3.The Headmaster,
Marudhupandiar Government Higher Secondary School,
Narikkudi, Virudhunagar District.

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Theni District, Theni.
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Government High School,
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- 11.The Headmaster,
Government High School,
Peruvalanallur,
Trichy District.

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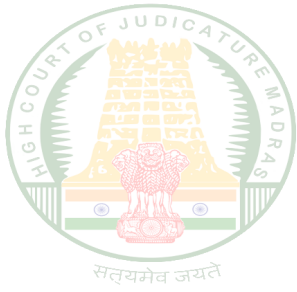
- 12.The District Project Officer,
Trichy District,
Trichy.
- 13.The District Social Welfare Officer,
Trichy District,
Trichy.
- 14.The Headmaster,
Government Boys High School,
R.S.Mangalam,
Ramanathapuram District.
- 15.The District Social Welfare Officer,
Ramanathapuram District,
Ramanathapuram.
- 16.The Assistant Elementary Educational Officer,
Panchayat Union Middle School,
Manjakudi,
Pudukkottai District.
- 17.The Headmaster,
Government High School,
Mangalanadu East,
Aranthangi,
Pudukkottai District.
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Government High School,
Vallaviduthi,
Pudukkottai District.



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Government Higher Secondary School,
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Government High School,
Odugampatti,
Pudukkottai District.
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Kanyakumari District.
- 22.The District Project Officer,
Kanyakumari District.
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Government Higher Secondary School,
Marathamputhur, Alangulam Taluk,
Tirunelveli District.
- 24.The Assistant Elementary Educational Officer,
Panchayat Union Middle School,
Palayamkottai, Sengulam Rural,
Tirunelveli District.
- 25.The Headmaster,
A.V. Joseph Government Higher Secondary School,
Ittamozhi,
Nanguneri Taluk,
Tirunelveli District.
- 26.The Headmaster,
Government High School,
E.Sukkampatti,
Karur – 621 311.



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W.A(MD)Nos.1553 to 1561 of 2016 & W.P(MD)No.23670 of 2016

S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

ps

ORDER MADE IN
W.A(MD)Nos.1553 to 1561 of 2016
& W.P(MD)No.23670 of 2016

DATED : 04.06.2025

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