



W.A.(MD)No.219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.219 of 2024 &
C.M.P(MD)No.1881 of 2024

1. The Secretary to Government,
Municipal Administration and Water supply Department,
Secretariat, Chennai.
2. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Bldg
(Opp. CIBA bldg. 75),
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai, Tamilnadu - 600 028.
3. The Regional Director of Municipal Administration,
Ram Popular Road,
Manakavalam Pillai Nagar,
Tirunelveli - 627 002.
4. The Director,
Local Fund and Audit Department,
Kurazhagam, 4th Floor,
Chennai - 600 108.

...Appellants

- Vs. -

1. Karuppasamy



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2. The Commissioner,
Aruppukottai Municipality,
Aruppukottai,
Virudhunagar District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters patent against the order passed by this Court in W.P.(MD) No.9702 of 2023, dated 25.04.2023.

For Appellants : Mr.D.Sadiq Raja,
Additional Government Pleader

For Respondents : No appearance for R1
Mr.Y.Jagadeesh
for Mr.Dilip Kumar
Standing Counsel for R2

JUDGEMENT

(Judgement of the Court was delivered by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned single Judge dated 25.04.2023, by and in which, the learned Single Judge has directed the official respondents to disburse pension to the petitioner therein.

2. The respondents 1, 2, 3 and 5 are the appellants before this Court, the writ petitioner is arrayed as first respondent and the fourth



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respondent in the writ petition is arrayed as second respondent in the present writ appeal. For the sake of convenience, the parties will be referred according to their litigative status before the writ Court.

3. The learned Additional Government Pleader for the appellants / respondents 1 to 3 and 5 would vehemently contend that even according to the petitioner, he was appointed during the year 1987, and that his post was regularised with effect from 01.08.2004. But without challenging his regularisation, he retired on 31.07.2022. He would further submit that by virtue of G.O.(Ms)No.259, Finance (Pension) Department, dated 06.08.2003, there was an amendment to the Tamil Nadu Pension Rules, 1978, and according to the amendment, those who were recruited on and after 01.04.2003 are not eligible for pension. The learned Single Judge without going into the material aspects has directed the respondents to disburse pension, which is contrary to law. In support of this contention, he relied upon the Full Bench Judgment of this Court in *Government of Tamil Nadu vs. R.Kaliyamoorthy* reported in 2019 (6) CTC 705.



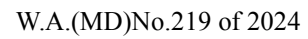
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4. Per contra, the learned counsel appearing for the petitioner / first respondent would contend that since the petitioner joined in service in 1987, he is eligible for pension as the Government Order in G.O.(Ms)No. 259, Finance (Pension) Department, dated 06.08.2003, is in respect of persons recruited on and after 01.04.2003. It is his submission that the learned single Judge has taken into consideration of all the aspects, more specifically, the proposal forwarded by the fourth respondent. Hence, would contend that there are no grounds to interfere with the order of the learned single Judge.

5. We have given our anxious consideration to either side submissions.

6. The short point to be considered in the writ appeal is that whether the petitioner is eligible for pension. It is an admitted fact that by virtue of G.O.(Ms)No.259, Finance (Pension) Department, dated 06.08.2003, the employees, those who were recruited under pensionable establishment on or after 01.04.2003 are not eligible for pension and they would be subscribed to contributory pension scheme.



8. As already stated, the petitioner was regularised well after the cut off date stipulated in *R.Kaliyamoorthy's* case supra. Therefore, no force in the submissions made by the learned Additional



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Government Pleader. Hence, the order of the learned single Judge is liable to be interfered with.

9. In the result, the writ appeal is allowed and as a sequitur, the order of the learned Single Judge dated 25.04.2023 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.,J.] & [C.K., J.]
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NCC : Yes / No
Index : Yes / No
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