

W.P.(MD) No.10581 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 06.08.2025

Pronounced On : 11.09.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.10581 of 2017

and

W.M.P.(MD)No.8066 of 2017

1. A.S.Aara Amutha Kumar,
S/O.A.L.Santharam,
Physiotherapist - Grade II,
Government Rajaji Hospital,
Madurai-20.

2. P.Saravana Perumal,
S/o.V.Palanivelu,
Physiotherapist - Grade II,
Government Rajaji Hospital,
Madurai – 20.

3. K.Vimala Rani,
W/o.Velmurugan,
Physiotherapist - Grade II,
Government Rajaji Hospital,
Madurai – 20.

4. D.Vijaya,
D/o.Durairaj,
Physiotherapist - Grade II,
Government Headquarter Hospital,
Tenkasi,
Tirunelveli District.



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5. P.Premnath,
S/o. K.Ponnambalam,
Physiotherapist- Grade II,
Government Headquarter Hospital,
Tenkasi,
Tirunelveli District.

6. S.Kavitha,
D /o. Sankarappan,
Physiotherapist - Grade 11,
Government Hospital,
Sattur,
Virudhunagar District.

... Petitioners

Vs.

The State of Tamil Nadu,
Rep by its Secretary,
Department of Health and Family Welfare,
Secretariat,
Fort St.George,
Chennai-9.

... Respondent

PRAYER in W.P.:

To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Letter No.23724/CI/2015-3 dated 29.10.2015 on the file of the Respondent and quash the same as illegal and consequently for a direction, directing the Respondent to include the services rendered by the Petitioners in the Post of Physiotherapist Grade - II from the year 2002 and re-fix the date of regularization of the Petitioner with effect from their date of appointment within the time period stipulated by this Hon'ble Court and pass any further or other orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and thus render Justice.



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PRAYER in WMP:

To dispense with the original copy of the impugned order in Letter No.23724/C1/2015-3 dated 29.10.2015 on the file of the respondent for the present and thus render justice.

APPEARANCE OF PARTIES:

For Petitioners : Mr.G.Karthik, Advocate
for M/s.T.Lajapathi Roy & Associates

For Respondent : Mr.V.Om Prakash,
Government Advocate

JUDGMENT

Heard.

2. The six petitioners in the above writ petition have jointly filed the present petition challenging the order dated 29.10.2015 passed by the Respondent. They seek to have the said order quashed and request further directions to count their services rendered as Physiotherapist Grade-II from the year 2002, to refix the date of their regularization, and thereby enable them to qualify for pension under the old scheme.



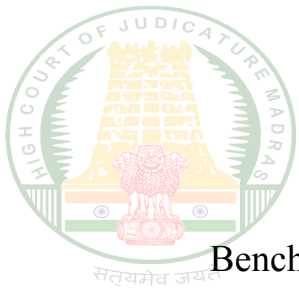
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3. The Petitioners had earlier filed W.P.(MD) No. 6132 of 2015 seeking the very same relief. However, this Court, by its order, directed the authorities to consider their representation. Pursuant to such consideration, the impugned order dated 29.10.2015 was passed by the Government. In the said order, it was stated that during the year 2001, a ban on recruitment was in force and, consequently, appointments were made only on a contractual basis with a fixed monthly salary. It was further clarified that the New Pension Scheme would apply exclusively to those who entered Government service on or after 01.04.2003.

4. Reliance was placed on the judgment of the Supreme Court in *P. Ranjitharaj v. State of Tamil Nadu*, reported in **2022 SCC Online SC 508**. That case arose out of the selection process for Assistant Public Prosecutors. The Court observed that all the candidates had been selected pursuant to the advertisement dated 09.11.2001, and even candidates with lower merit had been appointed. Accordingly, it was held that the appellant could not be nonsuited from consideration.

5. The Petitioner also filed written arguments reiterating the same submissions. On the other hand, the learned Government Pleader appearing for the Respondent relied upon the judgment of the Division



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Bench in W.A.(MD) No. 388 of 2021 and connected batch cases, dated 13.12.2023, pertaining to the very same department as that of the Petitioner. In that decision, the Division Bench, in paragraph 10, held as follows: –

“10. The Full Bench has further clarified that the employees, whose services were regularized before the cut off date of 01.04.2003 alone is entitled to the benefit of the old pension scheme and in the present case, the respondents were appointed under Rule 10(a)(1) of the General Rules of the Tamil Nadu State and Subordinate Services Rules after 01.04.2003 admittedly. Therefore, they are not entitled to avail the benefits under the Tamil Nadu Pension Rules, 1978, but, they are entitled to the benefit under the new pension scheme scheme (CPS)”

6. Accordingly, this Court is not inclined to accept the contentions raised by the Petitioners. Consequently, the Writ Petition fails and stands dismissed. The connected W.M.P. is closed. There shall, however, be no order as to costs.

11.09.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
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DR. A.D. MARIA CLETE, J.

LS

To

The State of Tamil Nadu,
Rep by its Secretary,
Department of Health and Family Welfare,
Secretariat,
Fort St.George,
Chennai-9.

Pre-delivery Judgment made in
W.P. (MD) No.10581 of 2017

11.09.2025