



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.07.2025

CORAM

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

**W.A.(MD)Nos.2116, 2119 and 2129 of 2023
and
C.M.P.(MD)Nos.17097, 16971 and 17006 of 2023**

W.A.(MD)No.2116 of 2023:-

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Secretariat,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 06.
- 3.The District Elementary Education Officer,
Nagercoil, Kanyakumari District.
- 4.The Assistant Elementary Educational Officer,
Colachel, Nagercoil, Kanyakumari District. ... Appellants

Vs.

- 1.S.Philipose
- 2.The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai 18. ... Respondents



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

WEB COPY

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.12390 of 2017 dated 20.09.2023 on the file of this Court.

For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondents : Mr.M.Gnanagurunathan for R1
Mr.P.Gunasekaran for R2

W.A.(MD)No.2119 of 2023:-

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Secretariat,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 06.
- 3.The District Elementary Education Officer,
Nagercoil, Kanyakumari District.
- 4.The Assistant Elementary Educational Officer,
Colachel, Nagercoil, Kanyakumari District. ... Appellants

Vs.

- 1.G.Philomin Igonia Merlin Mary
- 2.The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai 18. ... Respondents



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

WEB COPY

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.18106 of 2017 dated 20.09.2023 on the file of this Court.

For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondents : Mr.M.Gnanagurunathan for R1
Mr.P.Gunasekaran for R2

W.A.(MD)No.2129 of 2023:-

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Secretariat,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai - 06.
- 3.The District Elementary Education Officer,
Nagercoil, Kanyakumari District.
- 4.The Assistant Elementary Educational Officer,
Colachel, Nagercoil, Kanyakumari District. ... Appellants

Vs.

- 1.P.Maniammal
- 2.The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai 18. ... Respondents



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

WEB COPY

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.4042 of 2017 dated 20.09.2023 on the file of this Court.

For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondents : Mr.M.Gnanagurunathan for R1
Mr.P.Gunasekaran for R2

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The issue raised in these writ appeals are no longer *res integra*.
Vide order dated 11.10.2023 made in W.A.(MD)No.833 of 2018, the appeal filed by the government was allowed in the following terms:-

15.In the present case, it is not in dispute that the 1st respondent was appointed in a non-pensionable service and received all the terminal benefits as applicable under Arasu Rubber Corporation Service Rules. Once the employee had received all the terminal benefits applicable under the relevant rules in respect of the service rendered by him in Arasu Rubber Corporation, he cannot turn around and now claim for reckoning



WEB COPY



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

the services rendered by him in a non-pensionable service for the purpose of availing benefit under the Tamil Nadu Pension Rules, 1978, which is applicable only in respect of the services rendered in pensionable establishment. Therefore, the 1st respondent is entitled to get benefits under the Tamil Nadu Pension Rules, 1978 only from the date on which he was absorbed into the Government service by virtue of G.O.(Ms).No.73, dated 03.06.2014. Since he was absorbed with effect from 03.06.2014, he is entitled to claim benefits under new pension scheme ie., Contributory Pension Scheme. In respect of the pay protection granted to the employees, the Government, while absorbing these employees, granted concession not to deprive them from getting salary, which they were receiving in Arasu Rubber Corporation and such a concession would not be a ground to claim benefits under the Tamil Nadu Pension Rules, 1978, since it is not applicable in respect of non-pensionable service.

16.The judgments relied on by the learned counsel for the 1st respondent are of no avail, since the distinction between pensionable service and nonpensionable service and the applicability of the provisions of the Tamil Nadu Pension Rules have not been discussed in the above judgments and cases decided based on the facts cannot be followed as a precedent, as every case is to be decided based on its own facts established and the issues raised. Thus, the judgments relied upon by the learned counsel for the 1st respondent are of no avail to secure the relief from the hands of this Court.



WEB COPY



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

17.As far as the order under challenge is concerned, the learned Single Judge has not considered the Tamil Nadu Pension Rules, its applicability and the nature of services rendered by the 1st respondent in non-pensionable establishment. Thus, we are inclined to interfere with the order under challenge. Accordingly, the order dated 18.07.2017 made in W.P.(MD)No.12742 of 2017 is set aside and this Writ Appeal is allowed.

18.At this juncture, the learned counsel for the 1st respondent made a submission that a proposal has already been submitted to the Government to extend the benefits of the Tamil Nadu Pension Rules, 1978, so as to calculate the services rendered by the 1st respondent in Arasu Rubber Corporation as qualifying services. It is for the 1st respondent to pursue the remedy before the Government. No costs. Consequently, connected miscellaneous petition is closed.”

3.The orders of the learned Single Judge are set aside and the writ appeals are allowed in the very same terms.

4.The learned counsel for the writ petitioners submitted that the gratuity payable to the writ petitioners are yet to be settled. We direct the Managing Director, Arasu Rubber Corporation Limited, Vadasery,



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

Nagercoil, Kanyakumari District to settle the gratuity payable to the writ petitioners with statutory rate of interest within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
28.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Note:

The Registry to mark a copy of this order to the Managing Director, Arasu Rubber Corporation Limited, Vadasery, Post Box No.75, Nagercoil, Kanyakumari District – 629 001.

To:

- 1.The Secretary to Government,
Department of School Education,
St.George Fort, Secretariat,
Chennai.
- 2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai 06.
- 3.The District Elementary Education Officer,
Nagercoil, Kanyakumari District.

7/10



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

4.The Assistant Elementary Educational Officer,
Colachel, Nagercoil, Kanyakumari District.

5.The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai 18.



WEB COPY



W.A.(MD)Nos.2116, 2119 and 2129 of 2023



WEB COPY



W.A.(MD)Nos.2116, 2119 and 2129 of 2023

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

ias

W.A.(MD)Nos.2116, 2119 and 2129 of 2023

28.07.2025