



W.P.No.18960 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.18960 of 2009

A.J.Deivasigamani (Deceased)

J.D.Isaimozhi

D/o. Late A.J.Deivasigamani,
No.30, Rathinam Street,
Nellikuppam, Panruti Taluk,
Cuddalore District.

(P1 substituted *vide* order dated 30.09.2020
made in W.M.P.No.16442 of 2020 in
W.P.No.18960 of 2009 by SVNJ)

... Petitioner

vs

The Secretary to Government,
Finance (Pen.) Department,
Fort St. George,
Chennai – 600 009.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the respondent in G.O.Ms.No.332 dated 30.07.2009 and quash the same as far as the Military Service is concern and direct the respondent to count the period of Military service of the petitioner from 16.11.1943 to 31.06.1947 for the purpose of Pension and give all the benefits accrued thereon.



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For Petitioner : Mr.A.R.Nixon
For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

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ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the records.

2. The petitioner by the present writ petition had sought to quash G.O.Ms.No.332 dated 30.07.2009 insofar as non inclusion of the military service rendered by the petitioner in Royal Indian Artillery during the period 16.11.1943 to 31.05.1947 for the purpose of Pension and to give all the benefits accrued thereon.

3. The petitioner contended that he had joined the Royal Indian Artillery on 16.11.1943 and was discharged on account of reduction of force on 31.05.1947; that thereafter, the petitioner had secured employment as craft instructor and worked from 31.08.1950 and retired on 31.07.1982; that during the period of his service, he was required to undergo training in order to be considered a trained craft instructor; that he had underwent such training during the period from 31.08.1950 to 30.06.1954; and that on completion of training in the year 1954, he was considered as a trained craft instructor and during the period from 31.08.1950

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to 30.06.1954, his service was counted only as 50% for pensionary benefits.

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4. It is the further case of the petitioner that the Government, by G.O.Ms.No.903 dated 31.12.1993, extended the benefit of counting of Military war service along with civil service by condonation of the break between two periods of service for those who retired prior to 10.10.1990, and thus, he is eligible for counting of the service rendered by him in the Royal Indian Artillery, for grant of pensionary benefits under the aforesaid Government Order.

5. On behalf of the petitioner, it is further contended that if the aforesaid period of service is considered, he would be eligible for full pensionary benefits, having completed 33 years of service, which has been denied to him.

6. Counter affidavit on behalf of the respondent is filed.

7. The learned Additional Government Pleader appearing on behalf of the respondent by drawing attention of this Court to the counter affidavit would submit that the Government by G.O.Ms.No.461, Finance (Pension) Department, dated 31.07.1966, reduced the minimum qualifying service for pension from 33 years to



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30 years in respect of employees retiring on or after 01.07.1996.

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8. The learned Additional Government Pleader appearing on behalf of the respondent further submits that the aforesaid benefit of reduction in the minimum qualifying service was extended to the Government employees who retired prior to 01.07.1996 *vide* G.O.Ms.No.245, Finance (PGC-1) Department, dated 19.07.2018 and thus, the petitioner having completed the minimum qualifying service of 30 years would be eligible to get full pension; that the petitioner is not required to have 33 years of service in order to get full pension; and that the respondent authorities are willing to grant full pension/family pension to the eligible family members.

9. The learned Additional Government Pleader appearing on behalf of the respondent has drawn attention of this Court to the submissions made by the respondent in the counter affidavit in Paragraph Nos.12 and 13 which read as under:

“12. It is submitted that, if the service period of 3 years 6 months and 15 days rendered in Royal Indian Artillery Service as claimed by the original Writ Petitioner would be taken into account, his qualifying service period would be 33 years 6 months and 15 days



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for calculating pension. As the original Writ Petitioner was allowed full pension as per G.O.Ms.No.245, Finance (PGC-1) Department, dated 19.07.2018 from the date of his retirement i.e 31.07.1982, the re-calculation of qualifying period would be of non-consequential one and there will not be any change in his eligible pension/Family Pension, as authorized by the Accountant General.

13. It is submitted that the legal heirs of (Late) Thiru.A.J.Deivasigamani have so far not approached the School Education Department or the Treasury Office, Cuddalore to sanction the Full Pension/Family Pension as applicable to their father. The details of contact address of the legal heirs of the original Writ Petitioner are not traceable. If the eligible legal heirs are to approach the School Education Department for sanction of Full Pension/Family Pension which relevant legal documents, the same will be considered and necessary steps will be taken to grant eligible arrears of revised pension/Family Pension in respect of the individual on merits and as per rules in force.”

10. In view of the categorical stand of the respondent in the aforesaid Paragraph Nos.12 and 13 of the counter affidavit, that the petitioner being eligible for full pension and since the petitioner has deceased, if the family members of the deceased petitioner approach the authority, the authority would consider to grant the benefit due and payable to the petitioner in terms of G.O.Ms.No.245 dated



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19.07.2018, this Court is of the view that the petitioner's family members/legal representatives are to be directed to approach concerned authority, in order to claim the benefits to which the deceased petitioner is entitled to by submitting all the relevant documents.

11. The legal representatives of the deceased petitioner shall approach the concerned authority and submit the required document within a period of six weeks from the date of receipt of a copy of this order in order to claim the benefit due to their deceased father in terms of G.O.Ms.No.245 dated 19.07.2018. On the Legal Representatives of the deceased petitioner approaching the respondent within the time granted hereby, the respondent authorities shall process the claim submitted by the legal representatives of the petitioner within a further period of four weeks therefrom and pay the amount within a further period of eight weeks thereafter.

12. Subject to above direction, this Writ Petition is disposed of. No order as to costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To
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T. VINOD KUMAR, J.

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