



WEB COPY

WP No. 4301 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 4301 of 2026

N.Vasanth

W/O.Periyasamy, No.39/2, Palaiyappan Street,
Sevanwells, Chennai-600 001.

..Petitioner(s)

Vs

1. The Director
Public Health And Preventive Medicine
Department, 359, Dms Campus, Anna Salai,
Teynampet, Chennai-600 018.
2. The Deputy Director of Health Services,
No.17, Periyar Salai,
J.C.K.Nagar,
Chengalpet District-603 001.
3. The Block Medical Officer
Government Primary Health Centre,
Medavakkam, Chennai-600 100.
4. The Director Cum Mission Director
Integrated Child Development Project Schemes,
ICDS Office, Taramani,
Chennai-600 113.



5. The District Project Officer

Integrated Child Development Project Schemes,
2/124, Sir Thiagaraya Salai, Teynampet,
Chennai-600 018.

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings No.R.No.8659384/NP3/S1/2024 dated 21.11.2024 on the file of the 1st Respondent and quash the same and direct the respondents to grant 50 percent of the pension and pension benefits from 01.07.2023 to the petitioner as per the judgment made in W.P. No.11338/2018 dated 28.04.2018.

For Petitioner(s): Mr.S.Kumara Devan

For Respondent(s): Mr.K.Tippusulthan, GA

ORDER

The proceedings No.R.No.8659384/NP3/S1/2024 dated 21.11.2024 on the file of the first respondent, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to grant 50 percent of the pension and pension benefits from 01.07.2023 to the petitioner as per the judgment made in W.P. No.11338 of 2018 dated 28.04.2018.



2. Heard the learned counsels appearing on either side. With the consent of both sides, the present Writ Petition is taken up for hearing at the admission stage itself.

3. It is the case of the petitioner that she was appointed as Anganwadi worker on 19.11.1992 and thereafter, she completed Multi Purpose Health Workers (Female) Course Training in the year 1999 conducted by the first respondent for the purpose of Village Health Nurse post and she got appointment as Village Health Nurse on 23.10.2006 and was relieved from Anganwadi service on 30.06.2006. She retired from service on 30.06.2023 and thereafter, she sent a representation on 06.10.2023 to grant pensionary benefits and give 50% pension as per Section 11(4) of the Tamil Nadu Pension Rules, 1978 and also filed W.P.No.27528 of 2024, in which this Court had directed the respondents 1 and 2 to consider the petitioner's representation dated 06.10.2023 within 8 weeks. Since no order was passed, the petitioner again sent a fresh representation to the respondents 1 and 2 on 05.10.2024, for which the order impugned herein dated 21.11.2024 was passed by the first respondent. Aggrieved by the same, the present Writ Petition.

4. The learned counsel for the petitioner submitted that the petitioner is entitled for 50% pension from her Anganwadi service and cited the decision of



this Court passed in a batch of Writ Petition in W.P.No.11338 to 11344 of 2018 dated 28.04.2018. He further drew the attention of this Court to the judgment passed in an identical issue in favour of the NMRs in W.A.No.458 of 2019 & batch and thus, prayed to allow the petition.

5. Per contra, the learned Government Advocate appearing on behalf of the respondents submitted that since the issue involved in this petition is no longer res judicata as the same was decided by the Hon'ble Full Bench of this Court in W.A.158 of 2016 etc., batch on 03.12.2019 and as per the aforesaid decision, the petitioner is not entitled for the relief sought for in this petition and thus, he prayed to dismiss the Writ Petition.

6. I have considered the rival submissions made by the respective learned counsels and also perused the materials placed on record.

7. Perusal of the case records reveal that the petitioner joined as Anganwadi worker in the year 1992 and thereafter got appointed as Village Health Nurse on 23.10.2006 and retired on 30.06.2023. At this juncture, it is relevant for this Court to refer to the relevant portions of the judgment of the Hon'ble Full Bench of this Court in ***W.A.158 of 2016 etc., batch dated 03.12.2019 [The Government of Tamil Nadu represented by Secretary to Government Public Works Department Secretariat Chennai - 600 009 & 2***



Others Vs. R.Kaliyamoorthy]. The relevant portions of the said decision is 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 the Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms No.259, dated 06.08.2003;

ii)the Government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10(a) of the Tamil Nadu State and Sub-ordinate Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978;

iii)in case, a government servant/employee had also rendered service in non provincialized 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 Sub-ordinate 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; and

v)those government servants who were appointed in the



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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.”

The aforesaid extract is self explanatory. In the present case on hand, the petitioner was appointed as Village Nurse only on 23.10.2006 which was only after 01.04.2003 and in view of the aforesaid judgment of the Hon’ble Full Bench, the petitioner is not entitled for her claim of 50% pension from her past Anganwadi service. In view of the settled proposition, the relief sought for by the petitioner in this petition cannot be granted.

8. For the foregoing reasons, the Writ Petition stands dismissed. There shall be no order as to costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP



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M.DHANDAPANI, J.

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