



WEB COPY

WP No. 5184 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 5184 5187, 5191, 5194, 5200, 5202 and 5209 of 2026

W.P No.5184 of 2026

P.Dhasan,
S/o.Pudhaliya,
No.3/46,Christhupuram,
Manalikkarai Post,
Kanyakumari District.

..Petitioner(s)

Vs

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply
Department,
Fort St.George,
Chennai-9
2. The Director of Town Panchayat,
No.78,Urban Administrative Buildings,
Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028
3. The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram,
Kanyakumari District.
4. The Commissioner,
Commissionerate of Treasuries and
Accounts CPS Cell.
Govt Data Centre,5th floor,
Perasiriyar K.Anbalagan Maligai,



No.571,Anna Salai,
Nandanam,Chennai-35

5. The Director of Local Fund Audit,
Perasiriyar Anbalagan Maaligai,
4th floor,Nandanam,
Chennai-35

..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant pension to the petitioner from the date of his eligibility along with eligible arrears after adjusting the deducted CPS amount till his retirement by counting his 50% of the past service along with his regular service as the qualifying service for the purpose of pension by considering his written representation dated 18-11-2025 submitted in terms of G.O.(D) 613 Municipal Administration and Water Supply Department dated 24.10.2025.

For Petitioner(s): M/s.P.I.Thirumoorthy

For Respondent(s) Dr.T.Seenivasan, for R1, R2, R4, R5

in W.P Nos.5184, Special Government Pleader
5187, 5191, 5194 &
5200 of 2026

For R1, R2, R4, &
R5 in W.P Nos.5202 Mr.C.Selvaraj for
& 5209 of 2026: Additional Government Pleader

For R3 W.P Mr.C.Sathish
Nos.5191 & 5194 of Government Advocate
2026



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For R3 in W.P
No.5184 & 5187 of
2026

Mr.B.Tamil Nidhi
Government Advocate

For R3 in W.P
Nos.5200, 5202 &
5209 of 2026

Mr.J.Daniel
Government Advocate

COMMON ORDER

These seven writ petitions have been filed seeking a direction to the respondents to grant pension to the petitioners from the date of their eligibility along with eligible arrears after adjusting the deducted CPS amount till their retirement by counting their 50% of the past service along with their regular service as the qualifying service for the purpose of pension by considering their written representations dated 18-11-2025, 24.11.2025, 22.11.2025, submitted in terms of G.O.(D) 613 Municipal Administration and Water Supply Department dated 24.10.2025.

2.The case of the petitioners is that they are employees of the respective Town Panchayats. They initially entered service on 31.12.1981, 07.06.1988, 01.06.1987, 31.05.2001, 1985, 1985, 26.03.1993 respectively. However, their services were regularised only on 01.10.2003, 01.08.2004, 30.07.2004,



31.05.2004, 27.08.2004, 27.08.2004 and 01.08.2003 respectively. According to the Government Order issued by the State Government, persons who have completed 10 years of service are entitled to regularisation. In the present case, the petitioners were regularised only after 20 years of service, which according to them, is unsustainable. They ought to have been regularised on 03.02.2003 and 01.04.2003. Instead, they were regularised after 01.04.2003, thereby rendering them ineligible for the Old Pension Scheme. If their services had been regularised prior to 01.04.2003, they would have been entitled to the Old Pension Scheme. Since their services were regularised after 01.04.2003, the present writ petitions have been filed seeking retrospective regularisation.

3.The learned counsel for the petitioners would submit that, as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the petitioners are entitled to have 50% of services rendered on a daily wages basis prior to regularisation counted for pensionary benefits. The learned counsel for the petitioner also relied upon the judgment of the Division Bench of this Court in W.A No.458 of 2019 etc. batch. Accordingly, he prayed for appropriate orders.

4.Per contra, the learned Counsel appearing for the respondents would submit that the petitioners admittedly retired between 2016 and 16.02.2020.



While they were in service, even after regularisation, they did not take any steps to seek retrospective regularisation on the basis of completion of 10 years of service. However, after their retirement and after receiving all the terminal benefits, they have filed the present petitions before this Court which are not maintainable. Further, the issue involved in the present case is no longer *res integra*, as it has already been decided by the Full Bench of this Court, in W.A.No.158 of 2016 etc batch dated 03.12.2019.

5.Heard the learned counsel appearing on either side and perused the materials available on record.

6.The facts of the present case are not in dispute. Admittedly, the respective petitioners claim that they entered service between 1981 and 1993. However, their services were regularised only after 01.04.2003. It is also admitted that they retired from service between 2016 and 2020. After a lapse of nearly five years from the date of retirement, the present writ petitions have been filed seeking to count 50% of the service rendered by them on a daily wages basis for the purpose of pensionary benefits which was not granted by the respondents.



7. In this background, the decision of the Division Bench in W.A.No.458 of 2019 etc. batch is as follows:

“In order to delve into that issue, let us take the dictum of the Full Bench judgment, which is at paragraph 45, which reads thus:

“45. In the light of the above, we answer the reference 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 Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003.

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

iii) In case, a Government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if



such service rendered shall be counted for the purpose of conferment of pensionary benefits.

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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 Subordinate 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.

v) Those Government servants who were appointed in the 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”.

8. On perusal of the above decision, it is clear that Government servants who were appointed in the aforesaid four categories-namely, non-provincialised service, consolidated pay, honorarium and daily wages before 01.04.2003, but were absorbed into regular service after 01.04.2003, will not be entitled to count even half of their past service for the purpose of determination of qualifying service for pension. In the present case, the petitioners were appointed prior to 01.04.2003, however, their services were regularised only



after 01.04.2003. Therefore, they are not entitled to count half of their past service for the purpose of determination of qualifying service for pension.

Consequently, the present writ petitions are liable to be dismissed.

9. Accordingly, these seven Writ Petitions stand dismissed. No costs.

17-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

UMA

Note to Registry: Registry is directed to incorporate all the cause title along with prayer in the drafted order while issuing order copy to the parties.

To

1. The Secretary to Government of Tamil Nadu,
Municipal Administration and Water Supply
Department, Fort St. George, Chennai-9
2. The Director of Town Panchayat,
No.78, Urban Administrative Buildings,
Santhome High Road,
Raja Annamalaipuram,
Chennai-600 028



3. The Executive Officer,
Kumarapuram Town Panchayat,
Kumarapuram, Kanyakumari District.
4. The Executive Officer,
Pallipallam Town Panchayat,
Pallipallam Kanyakumari District.
5. The Executive Officer,
Ezhudhesam Town Panchayat,
Ezhudhesam, Kanyakumari District.
6. The Executive Officer,
Ponmanai Town Panchayat,
Ponmanai, Kanyakumari District.
7. The Executive Officer,
Susindaram Selection Grade Town Panchayat,
Kanyakumari District.
8. The Commissioner,
Kanyakumari Municipality
Kanyakumari District.
9. The Executive Officer,
Puthukkadai Town Panchayat,
Puthukkadai, Kanyakumari District.
10. The Commissioner,
Commissionerate of Treasuries and
Accounts CPS cell, Govt Data Centre,
5th floor, Perasiriyar K. Anbalagan Maligai,
No. 571, Anna Salai, Nandanam, Chennai-35
11. The Director of Local Fund Audit,
Perasiriyar Anbalagan Maaligai,
4th floor, Nandanam, Chennai-35



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M.DHANDAPANI, J.

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