

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

WEB COPY

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 11382 of 2026

K.Vimala

..Petitioner(s)

Vs

1. The Registrar General,
High Court of Madras, Chennai-104
2. The Secretary to Government
Finance Department
Fort St.George,
Chennai-600009
3. The Principal District Judge
Coimbatore
4. The IV Additional District and Sessions Judge
Coimbatore-641 001
5. The Principal Accountant General
Chennai-600 018

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India issuing writ of mandamus, directing the 4th respondent to send necessary corrected pension proposal to the 5th respondent for grant of pensionary benefits to the petitioner who got retired on superannuation on 30.6.2023 either under the Old pension scheme or under the contributory pension scheme and the 5th respondent in turn on receipt of the same shall process and grant sanction of pensionary benefits with interest within a reasonable time



WEB COPY

For Petitioner(s):

Mr.A.E.Ravichandran

For Respondent(s):

Mr.J.Chandra Sundar Sashi for R1,3,4

Dr.R.Gowri,

Government Counsel for R2

Mr.S.Mahesh

for Mr.V.Vijay Shankar for R5

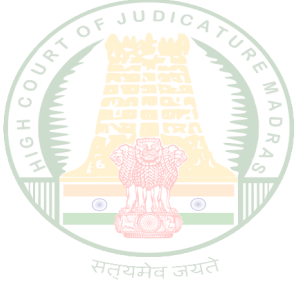
ORDER**(Order of the Court was made by S.M.Subramaniam J.)**

The writ on hand has been instituted seeking a direction to the 4th respondent to send necessary pension proposal to the 5th respondent for grant of pensionary benefits.

2. Petitioner was initially appointed as Steno Typist on temporary basis and later she was ousted from service. She was re-employed in the year 03.07.2006 and finally her services were regularized with effect from 03.07.2006. Tamil Nadu Pension Rules, 1978 was amended in view of implementation of New Pension Scheme i.e., Contributory Pension Scheme in the year 2003. Accordingly, Pension Rule was also amended. Rule 1(2) of Tamil Nadu Pension Rules, 1978 reads as under,

“(2) they shall be deemed to have come into force on the 1st January 1979.

"Provided that these rules shall not apply to Government Servants appointed on or after the 1st April 2003, to services and posts in connection with the affairs of the State which are borne on



pensionable establishments, whether temporary or permanent."

WEB COPY

3. Learned counsel for the petitioner would urge this Court by stating that petitioner is eligible for pension under the Old Pension Scheme of the year 1978 in view of the Rule 25 of the Tamil Nadu Pension Rules. The scope of Rule 25 has been decided by the Full Bench of this Court in the case of ***The State of Tamil Nadu and Others Vs. J. Thirumalainarayanan and Another***¹

"4. Findings:

4. This Full Bench has considered the totality of the factual aspect as well as the legal issue raised in the context of Rule 25 of the Rules, 1978.

5. At the outset the language used in Rule 25 has to be examined. An extract of the Rule is produced below:

"1[25. Condonation of interruption in service. - (1) In the absence of a specific indication to the contrary in the Service Book, an interruption between two spells of Civil Service rendered by a Government servant shall be treated as automatically condoned and the pre-interruption service treated as qualifying service. (2) Nothing in sub-rule (1) shall apply to interruption caused by resignation, (or) removal from service or for participation in strike.

¹ 2026 MHC 1527



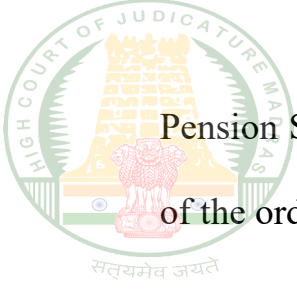
WEB COPY

(3) The period of interruption referred to sub-rule (1) shall not count as qualifying service.}]'

6. The language used in Rule 25 is crystal clear whereby the first clause states that an interruption between two spells shall be condoned and the pre-interruption service treated as qualifying service. In addition to this, clause (3) elucidates further that the period of such interruption shall not count as qualifying service. So the scope of section 25 can be derived clearly. That any interruption of service apart from those caused by resignation, (or) removal from service or for participation in strike shall be treated as condoned and pre interruption services can be treated as qualifying service. However the period of actual interruption itself cannot be counted as qualifying service."

4. Therefore, petitioner is eligible to receive benefits under the New Pension Scheme i.e., Contributory Pension Scheme. However, the benefits under the Contributory Pension Scheme is yet to be paid to the petitioner. Any delay in settling the pensionary benefits would affect the livelihood of the retired employees. Having served in the department for several years, benefits due to the employees at no circumstances be delayed.

5. In view of the facts and circumstances, the respondents are directed to settle the pensionary benefits due to the petitioner under the Contributory



Pension Scheme within a period of 12 weeks from the date of receipt of a copy of the order.

WEB COPY

6. With these observations, the writ petition is disposed of. No costs.

Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

1. The Registrar General,
High Court of Madras, Chennai-104
2. The Secretary to Government
Finance Department
Fort st.George,
Chennai-600009
3. The Principal District Judge
Coimbatore
4. The IV Additional District and Sessions Judge
Coimbatore-641 001
5. The Principal Accountant General
Chennai-600 018



WEB COPY



**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

GD

WP No. 11382 of 2026

01-06-2026