



WEB COPY

WP No. 9266 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 9266 of 2024
and WMP No. 10295 OF 2024**

M.Raman,

..Petitioner(s)

Vs

1. The State Of Tamil Nadu,
Rep. By Its Secretary To Government, Rural
Development Department, Secretariat,
Fort St. George, Chennai -600 009.
2. The Director Of Rural Development,
Panagal Malagai, Saidapet, Chennai -600 015.
3. The District Collector,
Kallakurichi District, Kallakurichi.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records regarding G.O.Ms.No. 77, Rural Development Department 12.07.2013 and consequential impugned Order in Na.Ka.No. PA6/2985/2023 dated 12.10.2023 on the file of the 3rd respondent and quash the same and direct the respondents to provide the pension to the petitioner as per the G.O.Ms.No. 39, Rural Development Department dated 13.06.2011.

For Petitioner(s): Mr.S.Jaganathan

For Respondent(s): Mr.R.U.Dinesh Rajkumar,
Additional Government Pleader



Order

This writ petition has been filed seeking to call for the records regarding G.O.Ms.No. 77, Rural Development Department 12.07.2013 and consequential impugned Order in Na.Ka.No. PA6/2985/2023 dated 12.10.2023 on the file of the 3rd respondent and quash the same.

2. The petitioner was appointed as a Panchayat Clerk on 01.09.1981 and worked as a part-time employee till 31.12.1990. Thereafter, his services were regularized and he was appointed as Panchayat Assistant on 01.01.1991. Subsequently, he was made permanent as Junior Assistant on 01.01.1999. The petitioner served in the Rural Development Department and ultimately retired from service on 31.03.2019, while holding the post of Deputy Block Development Officer (Administration), Sangarapuram Panchayat Union. At the time of retirement, the pension of the petitioner was calculated only by taking into account the service rendered from 01.01.1991 to 31.03.2019, i.e., the period after his regular appointment. The earlier service rendered by the petitioner from 01.09.1981 to 31.12.1990 as a part-time Panchayat Clerk was not taken into consideration for the purpose of pensionary benefits on the ground that the petitioner had worked only as a part-time employee during that period. In order to alleviate the hardship faced by employees who had been engaged for long periods as temporary or part-time workers, the Government had issued



G.O.Ms.No.39, Rural Development Department, dated 13.06.2011, wherein it was provided that 50% of the service rendered in consolidated pay or part-time capacity shall be taken into account for the purpose of calculating pension, provided that the employee was absorbed as Junior Assistant before 01.04.2003. The said benefit was made applicable to those who had served as Part-time Village Assistant Grade I or II or as full-time or part-time Panchayat Clerk prior to their absorption.

3. The petitioner, who had joined service as a Panchayat Clerk in the year 1981 and was absorbed as Junior Assistant on 01.01.1999, is entitled to the benefit under the said Government Order. Accordingly, 50% of the service rendered by the petitioner from 01.09.1981 to 31.12.1990 ought to be counted towards pensionable service.

4. However, the respondents, relying upon G.O.Ms.No.77, Rural Development Department, dated 12.07.2013, refused to grant the said benefit. The issue regarding counting 50% of the past services of part-time Panchayat Clerks came up for consideration before this Court in a batch of writ petitions, in W.P.No.19264 of 2014 etc., and by order dated 30.06.2014, it was held that 50% of the past services rendered as part-time Panchayat Clerk should be taken into account for computing pensionary benefits. The said order was



subsequently confirmed by the Hon'ble Division Bench in W.A.No.191 of 2016 dated 23.02.2016, and similar views were taken in other writ appeals including W.A.No.612 of 2016 dated 24.06.2016 and W.A.No.745 of 2019 dated 11.03.2019.

5. Following the earlier orders, this Court, by order dated 28.06.2023 in W.P.No.30207 of 2022, W.P.No.30197 of 2022 and W.P.No.30211 of 2011, quashed G.O.Ms.No.77 dated 12.07.2013 insofar as it excluded the counting of the part-time service for pensionary benefits. The Court also held that the beneficiaries are entitled to the benefit from the date of retirement and not from the date of the Government Order. Therefore, the petitioner is entitled to count 50% of the service rendered from 01.09.1981 to 31.12.1990 as part-time Panchayat Clerk for the purpose of pensionary benefits. The petitioner had made several representations to the respondents requesting them to count the said period of service and grant pensionary benefits. Despite the same, the respondents had rejected the claim of the petitioner by the impugned order in Na.Ka.No.PA6/2985/2023 dated 12.10.2023 issued by the 3rd respondent. Aggrieved by the said order, the petitioner is before this Court.



6. Heard the learned counsels on both sides and perused the materials available on record.

7. The issue on hand is whether the rejection of the petitioner's claim to consider 50% of his past services rendered as part-time Panchayat Clerk for the purpose of computing the total qualifying service for pensionary benefits is sustainable.

8. The petitioner had joined as a Panchayat Clerk in the year 1981 and was absorbed as Junior Assistant on 01.01.1991. Therefore, he had been absorbed even prior to 01.04.2003. From the perusal of the records, it appears that originally the Government had issued G.O.Ms.No.39, Rural Development Department, dated 13.06.2011, in and by which 50% of the service period rendered on consolidated pay was directed to be included for the purpose of computation of pension, provided the employee had been absorbed as Junior Assistant before 01.04.2003. Therefore, according to the petitioner, by virtue of the said Government Order, 50% of the services rendered by the petitioner from 01.09.1981 till 31.12.1990 ought to be included for the purpose of computation of pension. Thereafter, the Government had issued G.O.Ms.No.77, Rural Development Department, dated 12.07.2013, by which the benefit of counting



50% of the services rendered as part-time Panchayat Clerk was withdrawn. The said Government Order was challenged before this Court and the Full Bench of this Court in the decision reported in **2019 (6) CTC 705 [Government of Tamil Nadu and Others Vs. R. Kaliyamoorthy]** had examined the scope of Rule 11 of the Tamil Nadu Pension Rules, 1978 and held that the benefit of counting half of the past service could be extended only when such service was rendered in a post involving whole-time employment and when the appointment was made in accordance with the relevant rules.

9. Subsequently, the Hon'ble Division Bench of the Madurai Bench of this Court in a batch of writ appeals in W.A.(MD) Nos.1629 of 2018 etc., batch, dated 26.02.2021, while considering the scope of Rule 11 of the Tamil Nadu Pension Rules, 1978, held that the services rendered on part-time basis cannot be taken into account for the purpose of computing the qualifying service for pension. The Hon'ble Division Bench has also taken note of Sub Rule (2) of Rule 11, which stipulates that the service paid from contingencies should be in whole-time employment and not in a part-time capacity.

10. In the present case, admittedly, the petitioner had worked as a part-time Panchayat Clerk during the period from 01.09.1981 to 31.12.1990. Therefore, the said period of service cannot be treated as qualifying service for



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