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Writ Appeal No.4058 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2026

Coram

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**Writ Appeal No.4058 of 2025
and
C.M.P.No.33005 of 2025**

- 1.State of Tamil Nadu,
represented by Secretary to Government,
Social Welfare and Noon Meal Programme,
(NM4-2) Department, Fort St.George,
Chennai – 9.
- 2.The Additional Chief Secretary to Government,
Finance (Pay) Department,
Fort St.George, Chennai – 9.
- 3.The Director of Social Welfare and
Noon Meal Programme,
II Floor, Panagal Building,
Saidapet, Chennai – 15.
- 4.The District Collector,
Thoothukudi District,
Thoothukudi.

... Appellants

Vs.

S.K.Uma
W/o.S.V.Ravi

... Respondent



Writ Appeal No.4058 of 2025

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.03.2024 made in W.P.No.20813 of 2022 passed by this Court.

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For Appellants : Mr.M.Suresh Kumar
Additional Advocate General
assisted by Mr.S.Yashwanth,
Additional Government Pleader

For Respondents : Mr.K.Venkataramani, Senior Counsel
for Mr.M.Muthappan

JUDGMENT

[Made by **R.SURESH KUMAR, J.**]

This intra-court appeal has been directed against the order passed by the Writ Court dated 25.03.2024 made in W.P.No.20813 of 2022. In fact the impugned order was a common order passed in number of writ petitions.

2. In this context, as against the very same impugned order dated 25.03.2024, a batch of writ appeals in W.A.Nos.2601 of 2025 & etc, batch had been moved in the matter of *The Sate of Tamil Nadu, Rep. By Secretary to Government & 3 Ors. Vs. S.Kumar* and those batch of cases were disposed of by a Division Bench of this Court (where one of us Mr.Justice R.Suresh Kumar is a party) by the order of the Division Bench dated 09.09.2025, wherein, the following order has been passed:

“7. In order to have a ready reference of the dates of



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initial appointments of these writ petitioners, the following table, as filed by the appellant Department, is extracted hereunder:-

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<i>S.No.</i>	<i>Petitioner Name</i>	<i>Writ Petition Number</i>	<i>Appointment Date</i>	<i>Para No. (Writ Affidavit)</i>
<i>1</i>	<i>Bhavani</i>	<i>11411 of 2022</i>	<i>26.06.1991</i>	<i>3</i>
<i>2</i>	<i>R. Devaki</i>	<i>11413 of 2022</i>	<i>13.01.1992</i>	<i>3</i>
<i>3</i>	<i>M. Saraswathy</i>	<i>11415 of 2022</i>	<i>20.06.1991</i>	<i>3</i>
<i>4</i>	<i>S. Kumar</i>	<i>20807 of 2022</i>	<i>03.07.1997</i>	<i>3</i>
<i>5</i>	<i>A. Thirumanimuthu</i>	<i>20811 of 2022</i>	<i>01.03.1999</i>	<i>3</i>
<i>6</i>	<i>RV. Senthilkumar</i>	<i>20812 of 2022</i>	<i>12.04.1999</i>	<i>3</i>
<i>7</i>	<i>S.K. Uma</i>	<i>20813 of 2022</i>	<i>04.07.2001</i>	<i>3</i>
<i>8</i>	<i>D. Sadasivam</i>	<i>20814 of 2022</i>	<i>05.06.1999</i>	<i>3</i>



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8. *The aforesaid table would clearly disclose that the first three writ petitioners (Bhavani, R. Devaki and M. Saraswathi) are entitled to get regularization on completion of ten years' service period either in the year 2001 or in 2002. Therefore since they became eligible to get regularized prior to 01.04.2003, their regularization shall date back from the date of completion of ten years' service period from the date of initial engagement. In that case, no doubt, they are entitled to get included under the Old Pension Scheme, thereby, they are entitled to get pension and gratuity etc.*

9. *Insofar as the remaining writ petitioners are concerned, as their completion of ten years' service period starts from the year 2007-2011, they would be entitled to get regularized on completion of ten years' service period from their initial engagement, thereby, such completion of ten years' service period would be after 01.04.2003 and certainly, they would not be entitled to get pensionary benefits under the Old Pension Scheme and they may be included in the Contributory Pension or New Pension Scheme.*

10. *The needful, as indicated above as per the modified order, shall be undertaken by the appellant Government within a period of three months from the date of receipt of a copy of this order. It is also brought to our notice by the learned Additional Advocate General appearing for the appellants that, insofar as the first three writ petitioners (Bhavani, R. Devaki and M. Saraswathi) are concerned, the pension benefits, under the New Pension Scheme, has been settled. If it is so, after adjusting the amount already been settled under the*



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New Pension Scheme, the remaining amount can be calculated under the Old Pension Scheme and be paid to them within the time stipulated hereinabove.

11. To that extent, the order passed by the learned Judge is hereby modified and accordingly, all these writ appeals are disposed of on the aforesaid terms. However, there shall be no order as to costs. Consequently, C.M.P.Nos.20784, 20862, 20877, 21435, 21471, 21595 & 21821 of 2025 are closed.”

3. In view of the above, since the present writ appeal is also arising out of the very same impugned order dated 25.03.2024 passed by the Writ Court, this writ appeal is also disposed of in terms of the earlier order passed by the Division Bench dated 09.09.2025 in ***S.Kumar's*** case as referred to above.

Accordingly, this writ appeal is disposed of. No costs. Connected miscellaneous petition is closed.

[R.S.K., J.] [P.D.B., J.]
27.01.2026

Index: Yes/No
Speaking Order/Non-speaking Order
NCC:Yes/No

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and
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