



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

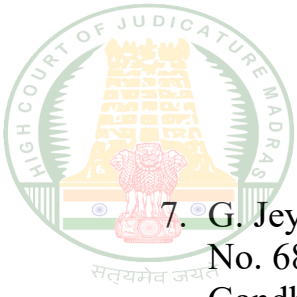
CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 21254 of 2026

WEB COPY

1. S.Ravi
S/o. Sangapillai ,
No. 36/41 Thanthonikudi street,
Thirumanilaiyoor post,
Karur 3
2. P.Ganesan s/o. Periyasamy
Old No. 6/96 New No. 86 A, Palamapuram,
Poolampalayam Post, Pugalur Taluk,
Karur District
3. R.Palanisamy s/o. Raman
No. 578/1 Velupillai Nagar,
5th Cross Street,
Pasupathipalayam North,
Karur District
4. M. Pitchaimuthu, S/o Muthusamy
No. 49/68, Mengattu Street,
Pasupathipalyam Post,
Karur District
5. S. Venkatesan, S/o Singaram
Plot No. 28, Officers Colony, 1st Cross,
KunnanoorEhemoor,
Pasupathipalayam Post,
Karur District
6. D. Tamilarasan, S/o Durairajan
No. 598 AVB Nagar, 7th Cross Street,
Pasupathipalayam,
Karur District

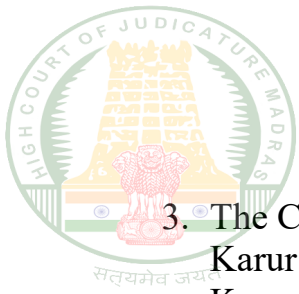


7. G. Jeyakumar, S/o Gopalan
No. 68, Indira Nagar,
Gandhigramam Post,
Karur District.
8. P. Palani, S/o Ponnann
No. 6, S. Pudur, Melapalayam,
Trichy Main Road,
Pasupathipalyam post,
Karur District.
9. M. Selvaraj, S/o Maruthamuthu
No. 40B, Mengathu Street,
Pasupathypalayam,
Karur District
10. N. Tirupathy, S/o Nallaiyan
No. 34/36, Nadupatti Street,
Kovakulam Post,
Krishnarayapuram South,
Karur District
11. R. Mathivanan, S/o Ramasamy
No. E.L. 136, TNHB,
Gandhigramam South,
Karur 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 Commissioner of Municipal
Administration,
No. 78, Urban Administrative Building,
Santhome High Road,
Chennai 600 028



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3. The Commissioner
Karur Municipal Corporation,
Karur 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)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to bring the petitioners under old pension scheme by counting their 50 percent of the past service along with their regular service as qualifying service for the purpose of pension as done to the Petitioners co-employee namely T. Akilan in G.O.(D) 613 Municipal Administration and Water Supply department dated 24-10-2025 by considering the Petitioners representations dated 20-02-2026, 05-03-2026, 09-03-2026 and 10-03-2026.

For Petitioner(s): Mr.P.I.Thirumoorthy

For Respondent(s): Mr.M.Sivavarthan, Government Counsel



ORDER

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This Writ Petition has been filed seeking a direction to the respondents to bring the petitioners under the Old Pension Scheme by counting their 50 percent of the past service along with their regular service as qualifying service for the purpose of pension as done to the petitioners/co-employee namely, T. Akilan in G.O.(D) 613, Municipal Administration and Water Supply Department dated 24-10-2025 by considering the petitioners' representations dated 20-02-2026, 05-03-2026, 09-03-2026 and 10-03-2026.

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

3. In view of the order proposes to be passed in this Writ Petition, WMP.No.23010 of 2026 filed by the petitioners to permit them to file a single Writ Petition is allowed, subject to payment of a Single Court fee.

4. The learned counsel for the petitioners submitted that the petitioners herein have entered the service of the third respondent Municipal Corporation as daily wages employees in the year 1988, 1991, 1993 to 1996 respectively and their services were regularized in the year 2006 on completion of 10 years of



service. He further submitted that by implementing the order of the Hon'ble Division Bench of this Court dated 14.12.2023 passed in W.A.No.458 of 2018 & batch etc vide G.O.(D) No.613 MAWSS Department dated 24.10.2025, similarly placed persons like that of the petitioners, whose services have been brought under the regular time scale, have been brought under the old pension scheme, by counting 50% of their past services as daily wages employees in terms of Rule 11(4) of the Tamil Nadu Pension Rules and hence, prayed this Court to extend the same benefit to the petitioners herein.

5. Per contra, the learned Government Counsel 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 petitioners are not entitled for the relief sought for by them 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 petitioners joined the services of the third respondent Municipal Corporation as daily wages employees in the year 1988, 1991, 1993 to 1996 respectively and their services



were regularized in the year 2006. At this juncture, in regard to the subject issue on hand, 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]***, which reads 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;



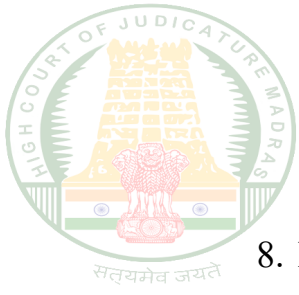
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iv)those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a) (i) of Tamil Nadu State and Sub-ordinate Service Rules before 01.04.2003 and absorbed into regular service 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 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 petitioners’ services were regularised only in the year 2006 which was only after 01.04.2003 and they are governed by Compensatory Pension Scheme and not under the Old Pension Scheme and in view of the aforesaid judgment of the Hon’ble Full Bench, the petitioners are not entitled for their claim of 50% from their past daily wages services for calculation of the pension. In view of the settled proposition of law, the relief sought for by the petitioners in this petition, cannot be granted.



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

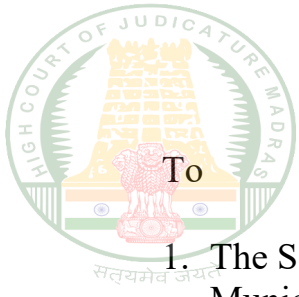
DP

05-06-2026

Index: Yes/No

Order: Speaking/Non Speaking

NCC: Yes/No



To

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Water Supply Department,
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2. The Commissioner of Municipal
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3. The Commissioner
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5th Floor, Perasiriyar K.Anbalagan Maligai
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5. The Director of local Fund Audit
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M.DHANDAPANI, J.

DP

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