



WEB COPY

W.P.Nos.23700, 23703, 23704, 23706,
23708, 23710 & 23712 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P.Nos.23700, 23703, 23704, 23706, 23708,
23710 & 23712 of 2019

M.Rama Subbu	...Petitioner in W.P.No.23700/2019
T.Arumugam	...Petitioner in W.P.No.23703/2019
G.Sridharan	...Petitioner in W.P.No.23704/2019
N.Valliappan	...Petitioner in W.P.No.23706/2019
G.Sridharaan	...Petitioner in W.P.No.23708/2019
M.Nagavalli	...Petitioner in W.P.No.23710/2019
S.Ravichandran	...Petitioner in W.P.No.23712/2019

Vs.

1.The Secretary to Government
Municipal Administration & Water Supply Department
Fort St.George
Chennai 09.

2.The Director of Municipal Administration
Urban Administration Building, M.R.C.Nagar
Chennai 600 028.



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3.The Director of Local Fund Audit
Integrated Complex for Finance Department
Animal Husbandry Hospital Campus
Nandanam, Chennai 600 035.

4.The Commissioner
Devakottai Municipality
Devakottai
Sivagangai District.

...Respondents in W.P.Nos.23700, 23703,
23704, 23706, 23708 & 23710/2019

4.The Commissioner
Dindugul Corporation
Dindugul.

...Respondent in W.P.No.23712/2019

Prayer in W.P.No.23700/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 25.09.1991 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with his regular service from 17.03.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.



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Prayer in W.P.No.23703/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 23.01.1989 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with his regular service from 17.03.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

Prayer in W.P.No.23704/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 27.09.1991 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with his regular service from 17.03.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

Prayer in W.P.No.23706/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents



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to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 25.09.1991 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with his regular service from 17.03.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

Prayer in W.P.No.23708/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 25.09.1991 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with his regular service from 17.03.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

Prayer in W.P.No.23710/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by her from 05.08.1989 to 16.03.2006 on daily wages on full time basis in the Devakottai Municipality along with her regular service from 17.03.2006 as qualifying



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service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

Prayer in W.P.No.23712/2019: This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to bring the petitioner under the purview of Tamil Nadu Pension Rules 1978 (old Pension Scheme) by counting half of the services rendered by him from 20.04.1988 to 27.06.2006 on daily wages on full time basis along with his regular service from 28.06.2006 as qualifying service for sanctioning pension and other pensionary benefits to the petitioner under the said rules and to consequently allot G.P.F (General Provident Fund) Account Number to the petitioner with all consequential monetary and service benefits.

For Petitioners in
all W.P.Nos.

: Mr.R.Prem Narayan

For Respondents
in all W.P.Nos.

: Mr.V.Veluchamy for R1 to R3
Additional Government Pleader
Mr.I.Calvin Jones
for M/s.Ajmal Associates for R4



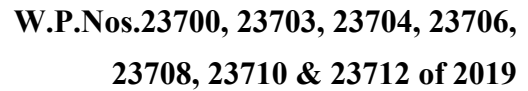
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COMMON ORDER

The petitioners seek a Writ of Mandamus directing the respondents to bring them under the purview of the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting half of the services rendered by them. The particulars of the services rendered by each of the petitioners are as follows:

Sl.Nos.	Name	Writ Petition Nos.	Date of Initial Appointme nt on Daily Wages	Date of Regularisation	Municipality/ Corporation
1	M.Ramasubbu	23700 of 2019	25.09.1991	17.03.20006	Devakottai Municipality
2	T.Arumugam	23703 of 2019	23.01.1991	17.03.20006	Devakottai Municipality
3	G.Sridharan	23704 of 2019	27.09.1991	17.03.20006	Devakottai Municipality
4	N.Valliappan	23706 of 2019	25.09.1991	17.03.20006	Devakottai Municipality
5	G.Sridharan	23708 of 2019	25.09.1991	17.03.20006	Devakottai Municipality
6	M.Nagavalli	23710 of 2019	05.08.1989	17.03.20006	Devakottai Municipality
7	S.Ravichandran	23712 of 2019	20.04.1988	28.06.2006	Dindugul Municipality



3. The learned State Counsel appearing for respondents 1 to 3 and the learned counsel for the 4th respondent Municipalities submitted that the petitioners were regularised after 01.04.2003 and, therefore, they are not entitled to the benefits under the Old Pension Scheme. The issue as to whether daily wage employees who had put in more than 10 years of service prior to 01.04.2003 but were regularised after 01.04.2003 are entitled to pensionary benefits under the Old Pension Scheme was examined by the Division Bench of this Court in W.A. Nos. 458 of 2019 and batch, etc.



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4. The Division Bench, by order dated 14.12.2023, with reference to Rule 11 of the Tamil Nadu Pension Rules, 1978 and also the Full Bench judgment of this Court in ***Government of Tamil Nadu vs. R.Kaliyamoorthy***, reported in **2019 (6) CTC 705**, held that in cases where a Government employee/servant had rendered service in non-provincialised service or on consolidated pay or honorarium or daily wage basis, and if such services were regularised before 01.04.2003, half of the service rendered shall be counted for the purpose of conferment of pensionary benefits.

5. Therefore, this is in tune with the language used in Rule 11(2) of the Tamil Nadu Pension Rules, 1978. However, the fact remains that, even though these employees were entitled to regularisation well prior to 01.04.2003, for reasons best known to the employer, their services were not regularised before 01.04.2003 and were regularised only thereafter, by which time the New Pension Scheme had come into effect from 01.04.2003.

6. However, the Division Bench further held that whether the employees were entitled to seek such regularisation prior to 01.04.2003 is an important



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factor that has to be examined. The reason being that, if an employee had been working on consolidated pay or daily wage basis for more than 10 years, they would certainly have been entitled to seek regularisation. Such benefits had already been extended to a number of employees whose services were regularised on completion of 10 years. Therefore, these employees, having been employed since the early 1990s, even by the years 2000 or 2001 well before 01.04.2003 had become eligible to seek regularisation.

7. Therefore, the belated regularisation made by the employer cannot be put against these employees while seeking the benefits accrued to them under the provisions of the Tamil Nadu Pension Rules, 1978, especially under Rules 11(2) and 11(4). Accordingly, employees who were entitled to seek regularisation prior to 01.04.2003 and had rendered more than 10 years of service, and who had joined service or were initially engaged as NMRs or temporary employees on consolidated pay or daily wage basis before 01.04.2003 the date on which the New Pension Scheme came into force are entitled to seek the benefit of regularisation, i.e., before 27.06.2013, and would be entitled to have 50% of the service rendered prior to regularisation counted for the purpose of calculating total pensionary benefits.



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8. The order passed by the Division Bench, as confirmed by the Hon'ble Apex Court, has thereafter been implemented by the State.

9. In the present case, the petitioners had been engaged on daily wage basis between 1991 and 1998, and they were eligible and entitled to regularisation of their services immediately upon completion of 10 years of service. However, for reasons not known, their services were regularised only after 01.04.2003. In such circumstances, the petitioners are entitled to the relief as directed by the Division Bench of this Court.

10. Accordingly, these Writ Petitions are allowed. The respondents are directed to bring the petitioners under the purview of the Tamil Nadu Pension Rules, 1978 (Old Pension Scheme) by counting half of the services rendered by them on daily wage basis, along with their regular service from the date of regularisation, as qualifying service for sanctioning pension and other pensionary benefits.



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11. The respondents are further directed to compute the pension and pensionary benefits payable to the petitioners and disburse the same within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

12.02.2026

Index : Yes/No
Speaking order : Yes/No
dna

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HEMANT CHANDANGOUDAR.J.,

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