



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-06-2026

WEB COPY

CORAM

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

**WP No. 31245 of 2025
AND
WMP NO. 34979 OF 2025**

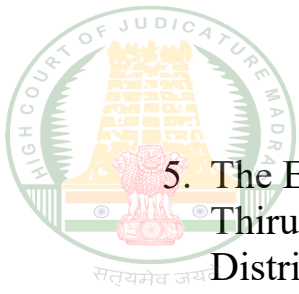
K.Rose

S/o.V.Kothandam, No.43, Perumal Koil Back
Side, Thirumalisai, Thiruvallur District

..Petitioner(s)

Vs

1. The State Of Tamilnadu Rep By Its Secretary
Municipal Administration And Water Supply
Department, Fort St.George, Chennai-600 009
2. The Director/Commissioner Of Town
Panchayat
Directorate Of Town Panchayats, MRC
Nagar, Chennai-600 028
3. The Director
Local Fund Audit Department, Combined
Court Complex, 4th Floor, Nandanam,
Chennai-600 108
4. The Assistant Director Of Town Panchayat
Thiruvallur Zone, Office Of District
Collector, Thiruvallur



5. The Executive Officer
Thirumazhisai Town Panchayat, Thiruvallur
District

WEB COPY

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the order of 5th respondent made in Na.Ka.No.149/2025/A1 dated 01.08.2025 to quash the same and to consequently directing the respondents to forthwith sanction and disburse the pension benefits due to the petitioner viz., the General Provident fund, Gratuity, pension admissible to the petitioner by duly calculating 50 percentage of casual labour services rendered between 07.10.1984 and 1.11.1999 and to calculate the total services w.e.f. 01.11.1999 till his superannuation on 30.6.2025 as qualifying services and to appropriately to arrive at the pension.

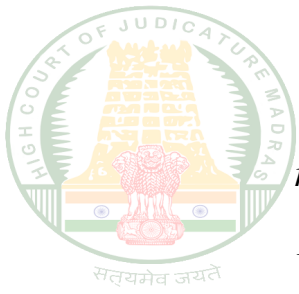
For Petitioner(s): L.Chandrakumar

For Respondent(s): Mr.L.Gokulraj ,
Government Advocate

ORDER

This Writ Petition has been filed for the following relief:

*“To issue a writ of certiorarified mandamus
calling for records relating to the order of 5th*



WEB COPY



respondent made in Na.Ka.No.149/2025/A1 dated 1.8.2025 to quash the same and to consequently directing the respondents to forthwith sanction and disburse the pension benefits due to the petitioner viz., the General Provident fund, Gratuity, pension admissible to the petitioner by duly calculating 50 percentage of casual labour services rendered between 7.10.1984 and 1.11.1999 and to calculate the total services w.e.f. 1.11.1999 till his superannuation on 30.6.2025 as qualifying services and to appropriately to arrive at the pension.”

2. The petitioners were initially appointed as casual labour in Thirumalisai Town Panchayat on 07.10.1984 and his service was regularized on 11.12.2009.

3. The learned counsel for the petitioners submitted that the issue in the present writ petitions is squarely covered by the orders of this Court dated 12.02.2026 made in WP.Nos.23700 of 2019 etc. batch. In the said judgment, it has been held as follows:-



WEB COPY



*“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.

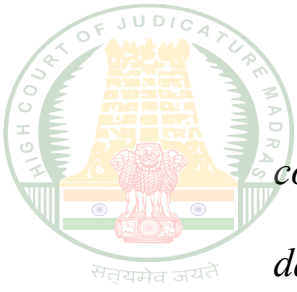


WEB COPY



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 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



WEB COPY

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.

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



WEB COPY

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.

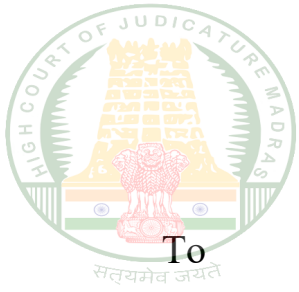
11. The respondents are further directed to compute the pension and pensionary benefits payable to the petitioners and disburse the same within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.”

4. The aforesaid order dated 12.02.2026 squarely applies, on all fours, to the case in hand. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

23-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRN



To

WEB COPY

1. The Secretary

State Of Tamil Nadu
Municipal Administration And Water Supply
Department, Fort St.George, Chennai-600 009

2. The Director/commissioner Of Town

Panchayat
Directorate Of Town Panchayat's, MRC
Nagar, Chennai-600 028

3. The Director

Local Fund Audit Department, Combined
Court Complex, 4th Floor, Nandanam,
Chennai-600 108

4. The Assistant Director Of Town Panchayat

Thiruvallur Zone, Office Of District
Collector, Thiruvallur

5. The Executive Officer

Thirumalisai Town Panchayat, Thiruvallur
District



WEB COPY

WP No. 31245 of 2



P.T.ASHA J.

SRN

**WP No. 31245 of 2025
AND
WMP NO. 34979 OF 2025**

23-06-2026

.