



WEB COPY



WA No. 262 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 262 of 2026 AND
CMP NO. 2416 OF 2026**

1. The Registrar
Tamil Nadu Agriculture University,
Coimbatore 641003.
2. The Controller
Tamil Nadu Agriculture University,
Coimbatore 641003.

..Appellants

Vs

1. J.Krishnamoorthy
S/o. Late. Jevana Gowder
D.No. 9/10, Nanjandu Village and Post
Udagamandalam, The Nilgiris.
2. The Secretary to Government
Department of Agricultural
Fort St.George Chennai 09.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 23.08.2023 made in W.P. No. 20891 of 2019 and consequently dismiss the W.P. No. 20891 of 2019.

For Appellants :

Mr.C. Prakasam

For Respondents :

Mr.S.John J.Raja Singh
Additional Government Pleader – for R2



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WA No. 262 of 2026

Judgment

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the Writ Court dated 23.08.2023 made in W.P.No.20891 of 2019.

2. The respondent viz., J.Krishnamoorthy was engaged as a Mazdoor and was appointed on daily wage basis in the year 1988 by the appellant University. In that capacity, he has been working without any break for several years. In order to regularise the services of these kind of employees, who had been appointed as non-provincialised service, consolidated pay, honorarium or daily wage basis, the Government thought it fit to issue a Government Order. Accordingly G.O.(Ms) No.408, Finance Department dated 25.08.2009 was issued, whereby one of the imports was to regularise the services of these kind of four categories of employees and after regularising their services, while calculating the total pensionable period for last drawn pay of those employees, whether the services rendered by them during their service as non-provincialised service, consolidated pay, honorarium or daily wage basis can also be taken into account or not and this was also inserted in the said Government Order. Based on the said Government Order, in various Government Departments, those four categories of employees who had



WA No. 262 of 2026

initially been appointed on temporary basis have subsequently been regularised, and while retiring from service on the basis of the last drawn pay their total pensionable service has been calculated taking into account 50% of the service rendered in any of the four categories such as non-provincialised service, consolidated pay, honorarium or daily wage along with the remaining service and accordingly their pension was calculated and paid to those employees.

3. When this being the position, the import of G.O.Ms.No.408 dated 25.08.2009 whether can be made applicable to the employees of those four categories employed at the appellant University or not was the question that arose, where, the University passed a resolution adopting the Government Order only in respect of three categories of employees ie., non-provincialised service, consolidated pay, and honorarium, but not for daily wage employees. While so, one of such employees who is no more seems to have approached this Court seeking the benefit of the said Government Order to the daily wage employees who worked in the appellant University, by filing W.P.No.13040 of 2016. The said writ petition was considered and decided by this Court in the matter of **V.Srinivasan (deceased) and others Vs. The Controller, Tamil Nadu Agriculture University, Coimbatore and Others.**



4. In the said judgment, a detailed order has been passed by the writ court, whereby it was held that the 4th category ie., daily wage employees were also entitled to calculate 50% of their past service before regularisation as part of total pensionable service for the purpose of calculating their pension.

5. Though it is claimed by the learned counsel for the appellant University that, as against the said order an intra court appeal has been filed, it is in the SR stage belatedly, where, there has been a delay in filing the appeal and in order to condone the delay a CMP has been filed, which is pending. Therefore, as of now the said judgment made in **V.Srinivasan (deceased) and others Vs. The Controller, Tamil Nadu Agriculture University, Coimbatore and Others** is holding the field.

6. In the present case also the question that arose was that, since the present writ petitioner is similarly placed as he got into service as a daily wage employee in the year 1988 and by such import of G.O.Ms.No.408 dated 25.08.2009, his services had been regularized with effect from 2009, therefore the period between 08.12.1988 and 31.03.2009 where he had been continuously working as daily wage employee whether can be taken into account for the purpose of pensionary benefits. The learned Judge, following the dictum laid down in **V.Srinivasan's** case, having extracted the relevant portion of the judgment, adopted the same yardstick in the present writ



WA No. 262 of 2026

petition also, and allowed the writ petition through the impugned order dated 23.08.2023.

7. We have gone through the relevant portion of the order in **V.Srinivasan's** case also and we do not find any error in the said approach of the writ Court in coming to such conclusion that the benefit of G.O.Ms.No.408 dated 25.08.2009 can be extended to employees engaged on temporary basis and after regularisation of their services, 50% of their past services rendered as temporary employees can be calculated for the purpose of total pensionable service. This benefit extended to them is fully justifiable because all other three categories of employees have already been enjoying the benefit and the fourth category cannot be denied the same.

8. Moreover, insofar as the applicability of G.O.Ms.No.408 dated 25.08.2009 to the appellant University is concerned, that also has been answered against the University holding that since the writ petitioner herein is similarly placed daily wage employee, the decision in **V.Srinivasan's case** would be squarely applicable to him and he would be entitled to get the same benefit. The said view taken by the learned Writ Court is fully justifiable.

9. In view of the above discussion, the order impugned does not require



WA No. 262 of 2026

any interference at the hands of this Division Bench. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (S.S.A.,J.)
25-02-2026

Index: Yes/No
Neutral Citation: Yes/No
KST

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