



WEB COPY

WP No.34382 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No.34382 of 2017

S.Mariappan,
Office Asst. (Retired),
Tamil Nadu Water Supply & Drainage Board,
Door No. 157, Karuppiah Pillai Compound,
Pandalkudi Road,
Aruppukottai 626 101,
Virudhunagar District

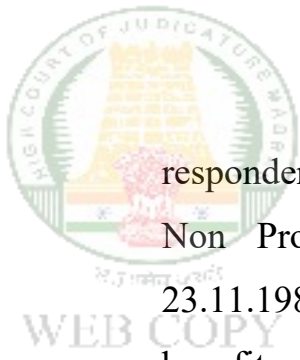
..Petitioner(s)

Vs

1. The Managing Director,
Tamil Nadu Water Supply and Drainage Board,
31, Kamarajar Salai,
Chepauk,
Chennai – 600 005.
2. The Joint Chief Engineer (General),
Tamil Nadu Water Supply and Drainage Board,
Head Office, 31, Kamarajar Salai,
Chepauk,
Chennai – 600 005.
3. The Executive Engineer,
TWAD Board,
R.W.S. Division,
Virudhunagar.

..Respondent(s)

PRAYER : For Certiorarified Mandamus, calling for the records connected with the impugned orders dated 31.03.2017 passed by the 1st respondent vide his Lr. No.4825/Ve.Ni.Uo/2017 and to quash the same and further direct the 2nd



respondent to pass orders to count the services rendered by the petitioner under Non Provincialised Work Charged Establishment for the period from 23.11.1981 to 17.11.1987 for the calculation of pension and other terminal benefits and to sanction revised Pension and other terminal benefits accordingly duly permitting him to draw arrears of Pension, D.C.R. Gratuity, Commutation of Pension etc., with interest at 12% for the belated payment within the time frame as may be fixed by this Honourable Court.

For Petitioner(s): Mrs.G.P.Arivuchudar
for M/s.law Square.

For Respondent(s): Mr.S.Silambanan,
Senior Advocate,
for Mrs.Y.Kavitha.

ORDER

The petitioner challenges the order dated 31.03.2017 passed by the first respondent. By the said order, the petitioner's request to include his service from 23.11.1981 to 17.11.1987 for the purpose of computation of pension and pensionary benefits came to be rejected.

2. The petitioner was appointed as a Watchman on daily-rated wages under the Nominal Muster Roll, vide order dated 16.11.1981, and he joined duty on 23.11.1981. He was subsequently appointed as Watchman under the Work Charged Establishment (WCE) in the scale of pay of Rs.250-5-330-10-400, vide order dated 05.01.1983. Thereafter, he was appointed as Office Assistant, vide order dated 06.11.1987. He retired from service on 29.02.2016 as Office Assistant. Since the service rendered by him during the said period was not



reckoned for the purpose of computation of pension and pensionary benefits, he submitted a representation to the respondents seeking rectification of the anomaly. However, the said representation came to be rejected by the impugned order.

3. Learned counsel for the petitioner submitted that the Government issued G.O.Ms.No.893, Public Works (HM.2) Department, dated 22.08.1994, to the effect that service rendered during the non-provincialised period is liable to be counted for the purpose of calculation of pension and pensionary benefits. The said Government Order was adopted by the respondent Board vide proceedings dated 19.04.1995. Therefore, the impugned order passed by the first respondent is not legally sustainable. She further submitted that similarly situated persons have been extended the said benefit and denial of the same to the petitioner is arbitrary and discriminatory. In support of her contention, she placed reliance on the decision of a Co-ordinate Bench of this Court in W.P.No.10143 of 2008, dated 02.07.2008.

4. In response, Mr. S. Silambanan, learned Senior Counsel appearing for the respondent Board, submitted that the Government Order adopted by the respondent Board is applicable only to Work Charged Personnel who retired between 24.11.1970 and 31.12.1976, and since the petitioner retired from service only in the year 2016, he is not entitled to the benefit under the said Government Order. Accordingly, he sought dismissal of the Writ Petition.

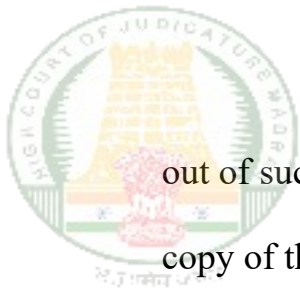


5. The arguments advanced by the learned counsel on either side and the materials available on record have been duly considered.

6. A perusal of G.O.Ms.No.893 dated 22.08.1994 discloses that the said Government Order is not only applicable to Work Charged Employees but also extends to non-provincialised service rendered under the Work Charged Establishment. The said Government Order was examined by a Co-ordinate Bench of this Court in W.P.No.10143 of 2008, wherein it was held that the non-provincialised service rendered under the Work Charged Establishment for a period of five years had to be counted for the purpose of pension. The said judgment has subsequently been followed by this Court and has attained finality, and has been implemented by the respondent Board.

7. In light of the above, the service rendered by the petitioner during the non-provincialised period (Work Charged Establishment) from 05.01.1983 to 17.11.1987 is liable to be counted for the purpose of pension and pensionary benefits. Therefore, the impugned order passed by the first respondent is unsustainable and is hereby quashed.

8. Accordingly, the Writ Petition stands allowed. The respondents are directed to count the non-provincialised period (Work Charged Establishment) from 05.01.1983 to 17.11.1987 as qualifying service, revise the petitioner's pension and pensionary benefits accordingly, and disburse the arrears arising



out of such revision within a period of three months from the date of receipt of a copy of this order. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DIXIT



To

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Chennai 600 005.
2. The Joint Chief Engineer (General),
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HEMANT CHANDANGOUDAR, J.

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