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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.P. No.33423 of 2023 and
W.M.P. No.33157 of 2023

1. Union Of India Rep By The Secretary
   Ministry Of Personal,
   Public Grievances And Pensions,
   Department Of Pensions And Pensioners Welfare,
   3rd Floor Lok Nayak Bhavan, Khan Market
   New Delhi -110 003

2. The Secretary,
   Ministry Of Communications and IT,
   Department Of Posts, Dak Bhavan Sansad Marg
   New Delhi -110 011

3. The Chief Postmaster General
   Tamil Nadu Circle Anna Salai, Chennai 600 002

4. The Senior Superintendent RMS
   Airmail Sorting Division, Meenambakkam,
   Chennai - 600 027

5. Head Record Officer, Airmail Sorting Division
   Meenambakkam Chennai 600 027 ... Petitioner

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Versus

1. N.Ramachandran
S/o Narashinan Naidu, No.20E/36, A Block,
G3, Sree Vari Foundation, 7th Cross Street,
Anna Nagar, Pammal, Chennai - 600 075

2. The Registrar
The Central Administrative Tribunal
Chennai Bench, Chennai-600 104 ...Respondents in

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the entire records of the impugned order dated 17.03.2023 passed in O.A. No. 939 of 2017 by the Central Administrative Tribunal, Chennai Bench and quash the same.

For Petitioners : Mr. Venkataswamy Babu, SPC
For Respondents : Mr. R.Malaichamy for R1
R2- Tribunal

ORDER

(Order of the Court was made by P.VELMURUGAN, J.)

This Writ Petition has been filed to quash the impugned order dated 17.03.2023 passed in O.A. No. 939 of 2017 by the Central Administrative Tribunal, Chennai Bench.

2. The learned Senior Panel Counsel for the petitioner-Department would submit that the 1st respondent filed a petition in O.A. No. 939 of 2017

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before the Central Administrative Tribunal, Chennai Bench challenging the order rejecting his claim to count half of the service rendered by him in Mazdoor cadre and TSCL cadre from the year 1985 to 2016 along with the regular service for grant of pension under old pension scheme. The 2nd respondent/Tribunal after hearing both sides, allowed the O.A. directing the respondents therein to count 50% of the services rendered by the 1st respondent as causal labourer from 04.06.1985 to 31.12.2000 and 100 % of service rendered in the capacity of temporary status from 01.01.2001 to 01.10.2016 along with the regular service rendered in the MTS Cadre till 30.11.2016 and to grant all service benefits under old pension scheme.

3. The contention of the learned Senior Panel Counsel is that minimum 10 years of service is required for grant of pension after absorption as Group-D. The 1st respondent was appointed as MTS on 03.10.2016 and retired on superannuation on 30.11.2016. Since the 1st respondent had worked only 58 days in the regularized service, he is not eligible for pension. The Tribunal misinterpreted the rules and allowed the relief sought for by the 1st respondent. Hence, the present petition is filed.

4. The learned counsel for the 1st respondent would submit that the 1st respondent entered into the Petitioner/Department as a Casual Labour on

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04.06.1985 and was given temporary status on 01.01.2001. On 03.10.2016, he was regularized as Group-D employee and superannuated on 30.11.2016. He would submit that 50% of the period he worked as a casual labour and 50% from temporary status to be counted along with the regular service for pension. Since he is a regularized employee, he is entitled for the pension. The tribunal rightly observed and granted the relief sought for by the 1st respondent. Therefore, there is no merit in this case and the same is liable to be dismissed.

4.1 The learned counsel for the 1st respondent further pointed out that as per the Memo No.B20/CL/Temp. Status dated 9.2.2001, the 1st respondent is eligible for the benefits of temporary status employee and also eligible for service benefits as follows:

"…

...

4. *The temporary status employees are entitled for the following:*

> *i. Benefit of increment at the same rate as applicable to Group D employee would be taken into account for calculating wages per month, after completion of one year of service from the date of conferment of temporary status. Such increment will be*

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taken in to account after expiry of one year of service subject to performance of duty for at least 240 days.

ii. Leave entitlement will be one day for every 10 days of work. Casual Leave or any other kind of leave will not be admissible. No encashment of leave is permissible. (Weekly off and other non-working days are excluded). Credit of leave may be carried for on regularisation.

iii. 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits after regularisation as a Group D official.

iv. The productivity linked bonus will continue to be at the rate applicable to casual labourers.

v. Temporary status does not debar dispensing with the services of a casual labourer, after following the due procedure.

vi. In accordance with Dte's letter No.66-9/91 SPBI dated 30.11.92, communicated in Circle Office letter no.ESB-300-134/88 Rlgs. dated 29.12.92, the causal labourers conferred with temporary status as per scheme circulated in Dte's letter no.45-95/87 SPBI dated 12.4.91 be treated at par with temporary Group D'employees with effect from the date he completes three years of service in the newly acquired temporary status from that date he will be entitled to benefits

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admissible to temporary Group D employees such as:

a. All kinds of leave admissible to temporary employees.

b. Holidays as admissible to regular employees

c. Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete three years of service in that status while granting their pension and retirement benefits after their regularisation.

d. Central Government employees insurance scheme.

e. GPF

f. LTC

g. All advances admissible to temporary Group D employees

h. Bonus

i. Medical Aid

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5. However, The learned Senior Panel Counsel for the petitioner-Department would submit that already the 1st respondent was granted all the benefits for which he is entitled. But he is not entitled for getting pension. As a regularized employee, he is not having the qualified service of 10 years or during the period of temporary service, he was paid with contingency.

6. Heard both sides and perused the materials available on record.

7. Admittedly, the 1st respondent joined as a casual labour in the Petitioner/Department on 04.06.1985 and subsequently, he was conferred temporary status on 01.01.2001 and thereafter, regularized on 03.10.2016. Later, on 30.11.2016, he got superannuated.

8. An individual should fulfill two conditions for getting pension. Firstly, he should have drawn the salary from the contingency while in temporary service. Secondly, he should have worked as regularized staff for a minimum period of 10 years to become eligible for pension.

9. In the present case, the 1st respondent has not fulfilled the said two conditions. Therefore, he is not eligible for getting pension. The Tribunal has failed to consider the same. Under these circumstances, this Court finds that the order of the Tribunal is perverse and the same is liable to be set aside.

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10. Accordingly, the order passed by the Central Administrative Tribunal, Chennai Bench dated 17.03.2023 in O.A. No. 939 of 2017 is set aside.

11. However, if the 1st respondent had not received the benefits under the temporary service, he is entitled for the same for which, he can make an application, if already not submitted and on such application, the Petitioner/Department shall consider the same and pass orders on merits and in accordance with law.

12. With the above observations, this Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

[P.V.,J.] **[K.G.T.,J.]**
09.04.2026

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To
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S/o Narashinan Naidu No 20E/36, A Block,
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Anna Nagar Pammal Chennai 600 075

2. The Registrar
The Central Administrative Tribunal
Chennai Bench, Chennai 600 104

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