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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1681 of 2026

and

C.M.P.Nos.15395 & 15398 of 2026

1. The State of Tamil Nadu
Rep. by its Principal Secretary to Government,
Rural Development and Panchayat Raj
Department,
Secretariat, Fort St. George,
Chennai – 009.
2. The Director of Rural Development
Department,
Panagal Maligai,
Saidapet,
Chennai - 015.
3. The District Collector
Namakkal District,
Namakkal.

..Appellant(s)

Vs

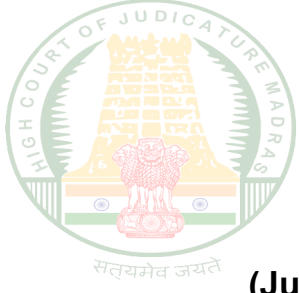
P.Krishnan
(PPO. No.C225030)
S/o. Pappu Reddiyar,
Varagur Post,
Namakkal Tk,
Namakkal Dt - 207.

..Respondent(s)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 18.01.2024 made in WP No. 27327 of 2023 and allow this WA .

For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Ms.T.Hemalatha



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JUDGMENT**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The present intra-court appeal has been instituted under Clause 15 of the Letters Patent by the State of Tamil Nadu, challenging the order passed by the Writ Court extending the benefit of counting 50% of the service rendered by the employee as Part-Time Panchayat Clerk.

2. The learned Government Counsel appearing for the appellants would submit that in similar circumstances, the Division Bench of this Court, examined the claim of similarly placed persons and on the scope of Tamil Nadu Pension Rules, 1978 and the principles settled by the Full Benches, passed a common judgment, vide judgment dated 23.06.2026 in W.A.No.1569 of 2026 etc. batch. The relevant portion of the said judgment reads as under:

“26. Pension is the deferred portion of the wages for the services rendered by a government employee. Therefore, pension, though given the status of a right under the constitution still exists within the contours of the scheme framed by the Government under relevant Rules i.e, Rules, 1978. Therefore, though it is a right, it still operates within the framework as designed by the Government. The framework of Rule 11 of the Pension Rules is more of a welfare provision, as it stipulates counting 50% of temporary service along with the actual period of regular service of a Government employee. When the Government has given an



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additional benefit over and above the counting of regular service, this cannot be used as a ladder to claim counting of the full period of service rendered by Government servants on a temporary basis. In respect of counting 50% of temporary service, the Rule in unambiguous terms reiterates that the benefit is to be extended to employees employed in a whole-time job and not in a part-time job.

VI. DISCUSSIONS:

27. In the present batch of appeals, the grounds for relief are based on the Government Orders implementing Court orders, and certainly not on the foothold of the Rules/law in place. Consequently, such individual orders have been followed as precedent in similarly placed consequential cases, creating a spinning wheel of precedent to choose from, thereby causing inconsistency and diluting the actual Rules/law in force.

28. The question arises: when certain orders relied on are running counter to the Pension Rules in force, and have been passed merely by relying on earlier orders as well as Government Orders implementing those court orders, can such orders be followed in perpetuity?

*29. In this regard, reliance has been placed on the Full Bench judgment in the case of **P.L.S. Palaniappan** cited supra. It is considered that Article 14 of the Constitution of India cannot be invoked for perpetuating illegality. A wrong order passed in one case cannot be made the basis for compelling a public authority to pass a similar order in any other case. Even if the State implements an erroneous order passed by the Court, it cannot be precluded from challenging a similar order passed in another case, simply because an appeal was not preferred in the earlier case.*



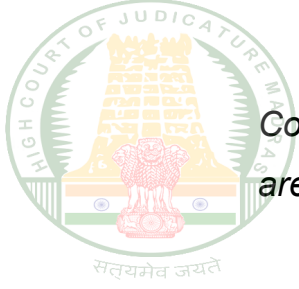
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VII. CONCLUSION:

30. Relying on the legal principle considered as above, this Court could arrive at the irresistible conclusion that those Government Orders and the judgments of the Single Judges and the Division Bench, running counter to the ratio laid down by the Full Bench judgments cited supra, cannot be a ground to claim the relief of counting of 50% of service in respect of part-time service rendered. The said benefit is to be granted strictly in accordance with the Pension Rules.

31. Therefore, all the orders of the learned Single Judges and Division Bench judgments, running counter to Rule 11(2) and 11(4) of the Rules, 1978 and contrary to the judgments of the Full Bench of this Court, have denuded to lose its status as precedent and cannot be followed for granting the relief of counting of 50% of service rendered by Part-Time Panchayat Clerks, or employees served in part-time employment.

32. In the view of the above position, the impugned orders dated 30.01.2023 made in W.P. No. 2103 of 2023, dated 28.06.2023 made in W.P. No. 19458 of 2022 and W.P. No. 30197 of 2022, dated 10.07.2023 made in W.P. No. 4033 of 2016, dated 31.07.2023 made in W.P. No. 894 of 2023, W.P. No. 891 of 2023 and W.P. No. 889 of 2023, dated 10.08.2023 made in W.P. No. 17562 of 2018 and W.P. No. 17563 of 2018, dated 17.10.2023 made in W.P. No. 5593 of 2020, dated 18.01.2024 made in W.P. No. 6499 of 2023, W.P. No. 6483 of 2023, W.P. No. 6509 of 2023, W.P. No. 6470 of 2023, W.P. No. 6510 of 2023, W.P. No. 6502 of 2023 and W.P. No. 6503 of 2023, dated 26.07.2024 made in W.P. No. 21025 of 2024 and W.P. No. 21029 of 2024 are set aside. Accordingly, the Writ appeals are allowed.



Consequently, the connected miscellaneous petitions, if any, are closed. No costs.

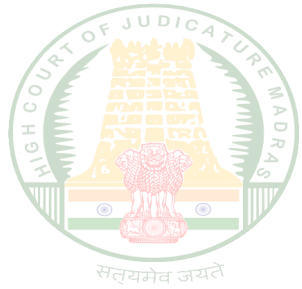
33. In view of the order passed in the batch of aforementioned writ appeals, the W.P.No.39408 of 2015 is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.”

3. In view of the above judgment dated 23.06.2026 passed in W.A.No.1569 of 2026 etc. batch, the Writ Appeal stands allowed. Consequently, the order dated 18.01.2024 passed in W.P.No.27327 of 2023 is set aside. No costs. The connected miscellaneous petitions are closed.

(S.M.S.,J.) (N.S.,J.)
29-06-2026

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

To
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(PPO. No.C225030)
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**S.M.SUBRAMANIAM, J.
and
N.SENTHILKUMAR, J.**

vsi

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