



WEB COPY



W.P. No.49569 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2026

CORAM:

THE HON'BLE MR. JUSTICE **M. DHANDAPANI**

W.P. No.49569 of 2025

S.Akilandeswari
W/o.N.Radhakrishnan,
1/128, North Main Road,
Kodiyalathur Valivalam,
Thirukuvalai Taluk,
Nagapattinam District.

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep By Its Principal Secretary, School
Education Department, Fort St. George,
Chennai-09.
2. The Joint Director (Vocational) Of
School Education, College Road, Chennai-06.
3. The Chief Educational Officer
Nagapattinam District.
4. The District Educational Officer
O/o.District Educational Office,
Nagapattinam District.

..Respondent(s)

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the impugned letter by the 1st respondent dated 22.09.2025 bearing Government



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Letter No.5458/Pa.Ka.6(1)/2025-1 and quash the same and direct the respondent to take the 50 percent of the part time service rendered by the petitioner from 17.08.1988 to 04.10.1996 along with the regulars service for the pension benefits ie., for the periods of 27 years 07 months 20 days with the time limit stipulated by this Court.

For petitioner : Mr.R.Saravanan

For respondents : Mrs. Mythrye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 22.09.2025 passed by the first respondent bearing Government Letter No.5458/Pa.Ka.6(1)/2025-1 and consequently direct the respondents to take the 50 percent of the part time service rendered by the petitioner from 17.08.1988 to 04.10.1996 along with the regulars service for the pension benefits ie., for the periods of 27 years 07 months 20 days with the time limit stipulated by this Court.

2. The petitioner was initially appointed as a part time Vocational Instructor on 17.08.1988. Thereafter, the petitioner's service was regularized from 05.10.1996 and the petitioner was retired from service on 30.04.2020. Immediately after the retirement, the petitioner made representation on



17.11.2020 to calculate 50% of the service rendered by the petitioner as part time Vocational Instructor from 1988 to 1996 and to pay the benefits to the petitioner. However, no order was passed. Hence, the petitioner filed a Writ Petition before this Court in W.P.No.7024 of 2023 and this Court by an order dated 07.06.2023, issued a direction to the respondents to consider the petitioner's representation and pass appropriate orders. Pursuant to which, the present impugned order was passed rejecting the request made by the petitioner. Challenging the same, the present Writ Petition is filed.

3. Learned counsel for the petitioner contended that the petitioner's case squarely falls under para 45(iii) of the *Hon'ble Full Bench judgment in The Government of Tamil Nadu v. R. Kaliyamoorthy, reported in 2019 (6) CTC 795*. He further submitted that pension is a continuing cause of action, and the delay cannot be put against the petitioner. The respondents themselves cannot now deny the benefit after having sponsored the petitioner for training and regularised her service. Hence, the impugned order is contrary to settled law and liable to be quashed.

4. Learned Special Government Pleader appearing for the respondents submitted that the petitioner is not entitled to the benefit under G.O.Ms.No.408,



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Finance(Pension) Department, dated 25.08.2009 as she was a part-time employee. In view of the same, she prayed for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials placed on record.

6. The issue involved in this writ petition is no longer res integra. The Hon'ble Full Bench of this Court, in the case of ***Government of Tamil Nadu v. R. Kaliyamoorthy, reported in 2019 (6) CTC 795***, has authoritatively laid down the law. The relevant portion of para 45 (i) to (v) reads as follows:

“45. In the light of the above, we answer the reference as follows:

(i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension.

(ii) Those Government servants appointed prior to 01.04.2003, whether on temporary or permanent basis, are entitled to pension.

(iii) In case a Government employee had rendered service on non-provincialised service or on consolidated pay or honorarium or daily wages and such services were regularised before 01.04.2003, half of such service shall be counted for the purpose of pensionary benefits.

(iv) & (v) Those absorbed in regular service only after 01.04.2003 are not entitled to such benefit.”



7. The petitioner's case squarely falls under para 45(iii) of the Hon'ble Full Bench judgment, as referred to supra.

8. The reliance placed on G.O.Ms.No.408 or G.O.Ms.No.194 is misplaced, as the petitioner's claim is founded on the binding Hon'ble Full Bench decision, and not merely on Government Orders.

9. Administrative inconvenience or financial implications cannot override a right flowing from a binding judicial precedent. Therefore, the impugned order is contrary to the law laid down by the Hon'ble Full Bench and cannot be sustained.

10. For the reasons aforesaid, the impugned order is hereby set aside and the matter is remanded to the 1st respondent for fresh consideration. Further, the respondents shall count 50% of the services rendered by the petitioner from 17.08.1988 to 04.10.1996, revise the pension, without interest accordingly, and disburse the consequential benefits. The aforesaid exercise shall be completed, within a period of eight weeks from the date of receipt of a copy of this order.



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11. With the above observations and directions, this writ petition stands allowed. No costs.

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

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To

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1. The Principal Secretary,
State Of Tamilnadu
School Education Department,
Fort St. George, Chennai-09.
2. The Joint Director (vocational) Of
School Education, College Road, Chennai-06.
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