



W.A(MD)Nos.178, 179, 180 & 181 of 2026

WEB CO BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)Nos.178, 179, 180 & 181 of 2026

Malarvizhi	... Appellant/ Petitioner in W.A(MD)No.178/2026
G.Kalyani	... Appellant/ Petitioner in W.A(MD)No.179/2026
T.Jothilakshmi	... Appellant/ Petitioner in W.A(MD)No.180/2026
N.Vanarani	... Appellant/ Petitioner in W.A(MD)No.181/2026

vs.

**1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Finance Pension Department,
Secretariat, St. Fort George,
Chennai - 600 009.**



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2.State of Tamil Nadu,
Represented by its Secretary,
Department of Health and Family Welfare,
Secretariat, St. Fort George,
Chennai – 600 009.

3.The Secretary,
Department of Finance (Pension),
Secretariat, St. Fort George,
Chennai – 600 009.

4.The Director,
Department of Medical Education,
Kilpauk,
Chennai.

... Respondents 1 to 4/
Respondents 1 to 4 in W.A(MD)Nos.178 to 181/2026

5.The Dean,
Government Hospital,
Theni,
Theni District.

... 5th Respondent/
5th Respondent in W.A(MD)Nos.178 to 180 of 2026

5.The Dean,
Primary Health Centre,
Thodappanaickanuur,
Usilampatti Taluk,
Madurai District.

... 5th Respondent/
5th Respondent in W.A(MD)No.181 of 2026

COMMON PRAYER : Writ Appeals filed under Clause 15 of Letters Patent to set aside the order dated 03.01.2023 made in W.P(MD)Nos.6701, 6702, 6709 and 6702 of 2018 on the file of this Court.



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For Appellant : Mr.S.Ramesh

For Respondents : Mr.J.Ashok
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the orders passed by the learned Single Judge dismissing the Writ Petitions in W.P.(MD) Nos. 6701, 6702, 6709 and 6699 of 2018, dated 03.01.2023, the present Writ Appeals have been preferred by the writ petitioners.

2.It is the case of the appellants/writ petitioners that they joined service as daily wage employees in the years 1995, 1995, 1995 and 1993, respectively. After completion of twelve and fourteen years of service, their services were regularised in the year 2007. Hence, according to them, as per G.O.No.259, Finance (Pension) Department, dated 06.08.2003, they are entitled to receive pension.



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3.The learned Single Judge found that there was no illegality in granting regularisation in the year 2007 through G.O.Ms.No.149, Health and Family Welfare (F2) Department, dated 08.05.2007, and rejected the claim of the appellants/writ petitioners, thereby dismissing the Writ Petitions. Challenging the same, the present Writ Appeals have been preferred.

4.The main contention of the learned counsel appearing for the appellants/writ petitioners is that the writ petitioners were regularised after the cut-off date of 01.04.2003. As per G.O.No.259, Finance (Pension) Department, dated 06.08.2003, they are entitled to claim pension, including qualifying service.

5.We have perused the entire order of the learned Single Judge, and it is relevant to note that, admittedly, the appellants/writ petitioners joined as daily wage employees and were later regularised in the year 2007, i.e., after 01.04.2003.



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6. In this regard, it is useful to refer to the judgment of the Full Bench of this Court in **Government of Tamil Nadu and others vs. R. Kaliyamoorthy [2019 Vol. VI CTC 705]**, wherein it is stated as follows:

“40. For example, if a person is appointed prior to 01.04.2003 in a non-provincialised service or on consolidated pay or on honorarium or daily wage basis and later to a cadre post on temporary basis under Rule 10 (a) (i) of The Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and such service is regularised after 01/04/2003, such Government employee is eligible for Government Pension under the Tamil Nadu Pension Rules but at the same time would not be eligible to include half of services rendered in such capacity viz., i) Non-provincialised Services ii) Consolidated pay; iii) honorarium; or iv) daily wage basis to his regular service.

41. Thus, a government servant who may have been appointed before the cut-off date of 31.03.2003 may be entitled to government pension if he satisfies the requirement of qualifying service in Rule 3(o) of the Tamil Nadu Pension Rules, 1978. However, such a person will not be entitled to add half of the past service held in any one of



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the four capacity mentioned above prior to 01.04.2003 since his regularisation is subsequent to the cut off date. Therefore, only those who were appointed prior to 01.04.2003 whether as temporary appointment but in accordance with Rule 10 (a) (i) alone will be entitled to get pension.

42. The cut off date i.e. on or after 01.04.2003 in proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978 will not perse bar a person from getting pension if such a person had joined the service in accordance with the provisions of Tamil Nadu State and Subordinate Service Rules i.e in the cadre whether on temporary or permanent basis. Services rendered before the cut off date of 01.04.2003, can be added to the regular service only if the service was regularised before the said date for determining the qualifying service. Therefore, in our opinion, it would be appropriate to say that Rule 11 (4) gives the meaning of qualifying service rather than giving significance to cut off date. Therefore, it is clear that only if the appointment is in accordance with the Rules and such appointment is prior to 01.04.2003, 50% of the past service can be added along with the regular service.



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7.The above judgment makes it clear that though a person whose services were regularised after 01.04.2003 is eligible under the Tamil Nadu Pension Rules, 1978, he would not be eligible to include half of the service rendered in such capacity, i.e., as a daily wage employee, for the purpose of pension.

8.The said judgment was also approved by the Hon'ble Supreme Court of India in *M. Vargeese etc. vs. State of Tamil Nadu and others in Special Leave Petition (Civil) Diary No. 15406 of 2021, dated 12.08.2022.*

9.Considering the legal position already declared in this regard, we do not find any merit in the Writ Appeals. Accordingly, these Writ Appeals are dismissed. No costs.

[N.S.K.,J.] [M.J.R.,J.]
02.03.2026

NCC : Yes / No
Index : Yes / No
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To

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Chennai - 600 009.

2.The Secretary,
Department of Health and Family Welfare,
Secretariat, St. Fort George,
Chennai – 600 009.

3.The Secretary,
Department of Finance (Pension),
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and
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ORDER MADE IN
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