



W.A(MD)No.3267 of 2025

WEB CODE 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)No.3267 of 2025

Prema ... Appellant/Petitioner

VS.

1.The State of Tamil Nadu,
Represented by its Secretary,
Municipal and Water Supply Department,
Fort St. George,
Chennai - 600 009.

2.The Director,
Local Fund Audit Department,
Finance Department Complex,
4th Floor, Nandhanam,
Chennai - 600 035.

3.The Director of Municipalities,
Kuralagam Buildings,
Chennai - 600 108.

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4.The Assistant Director,
Local Fund Audit Department,
Karur.

5.The Executive Officer,
Marudhur Town Panchayat,
Marudhur,
Kulithalai Taluk,
Karur District.

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 17.11.2025 made in W.P(MD)No.14130 of 2022 on the file of this Court.

For Appellant : Mr.K.R.Laxman

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R.1 to R.4

: Mr.S.P.Maharajan
Special Government Pleader
for R.5



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JUDGMENT

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

Challenging the order passed by the learned Single Judge dismissing the Writ Petition in W.P(MD)No.14130 of 2022 dated 17.11.2025, the present Writ Appeal has been preferred by the writ petitioner.

2.It is the case of the appellant/writ petitioner that her husband joined service as a daily wage employee on 19.06.2000. Her husband rendered more than six years of unblemished service and he was paid consolidated wages. Subsequently, he died on 03.12.2006. Hence, according to her, as per G.O.No.259, Finance (Pension) Department, dated 06.08.2003, the appellant/writ petitioner is entitled to receive family pension.

3.The learned Single Judge, after considering various judgments, found that the appellant/writ petitioner had not provided necessary details in the affidavit; however, he directed the authorities to pay the contributory



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pension amount to the writ petitioner. Challenging the same, the present Writ Appeal has been preferred.

4.The main contention of Mr. K.R. Laxman, learned counsel appearing for the appellant/writ petitioner, is that the writ petitioner's husband was regularised after the cut-off date of 01.04.2003. As per G.O.No.259, Finance (Pension) Department, dated 06.08.2003, she is entitled to claim family pension, including the qualifying service.

5.We have perused the entire order of the learned Single Judge, and it is relevant to note that, admittedly, the appellant's husband joined as a daily wage employee and was later regularised on 23.06.2006, i.e., after 01.04.2003.

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

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“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 the four capacity mentioned above prior to 01.04.2003 since his regularisation is subsequent to the cut off date.



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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 Appeal. Accordingly, this Writ Appeal is dismissed, and we reiterate the direction of the learned Single Judge to pay the contributory pension.



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WEB COPY 10. The learned Special Government Pleader appearing for the respondents 1 to 4 submitted that, as and when the writ petitioner files an application before the concerned authority, the same will be considered on merits and in accordance with law, as expeditiously as possible. No costs.

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

NCC : Yes / No
Index : Yes / No
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and
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ORDER MADE IN
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