



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-01-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 1026 of 2026

and W.M.P.No.1944 of 2026

R.Rajendran

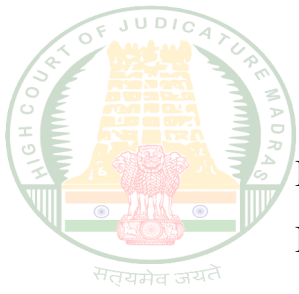
..Petitioner(s)

Vs

1. Metropolitan Transport Corporation
(Chennai)Ltd.,
An Undertaking of the Government of
Tamil Nadu,
Pallavan House,
Anna Salai,
Chennai-600 002.
2. Government of Tamil Nadu,
Rep by its Secretary,
Transport Department,
St.Fort George,
Chennai-600 009.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records in impugned letter dated 18.11.2024 issued in KA.No.530/PAPI(PO)4/MAPOKA/2024 on the file of the 1st respondent herein to settle pension and Arrears of pension with 18% of compound interest due from 31.10.2018 determining the service of the petitioner with effect from 09.09.1998 or at least on completion of 240 days of continuous service from 09.09.1998 till date of retirement namely 31.10.2018.



For Petitioner(s) : Mr.S.Sadasharam
For Respondent(s) : Mr.A.Vinothraj for R1
Mr.C.S.K.Sathish for R2

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ORDER

This writ petition is filed to call for the records in impugned letter dated 18.11.2024 issued in KA.No.530/PAPI(PO)4/MAPOKA/2024 on the file of the 1st respondent herein to settle pension and Arrears of pension with 18% of compound interest due from 31.10.2018 determining the service of the petitioner with effect from 09.09.1998 or at least on completion of 240 days of continuous service from 09.09.1998 till date of retirement namely 31.10.2018.

2. The case of the petitioner is that the petitioner was appointed as Driver in the year 09.09.1998. However, his service was regularized only on 01.09.2005 and thereafter, he retired from service on 31.10.2018. After retirement, the petitioner made a representation in the year 2024 to regularize his service with effect from 09.09.1998 and confer the old pension scheme. However, the same was rejected vide impugned order dated 18.11.2024. Challenging the same, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner would submit that admittedly, the petitioner was appointed as Driver in the year 1998. After completion of 240



days, the respondents ought to have regularized the service of the petitioner in the year 1999. However, they conferred permanent status only on 01.09.2005,

which is not sustainable. Hence, the impugned order is liable to be set aside.

Accordingly, he prayed for appropriate orders.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. The issue in this writ petition is, whether the petitioner is entitled to claim old pension scheme after retirement. Admittedly, the petitioner's service was regularized on 01.09.2005 and till the date of retirement, the petitioner has not taken any steps to regularize him prior to 01.04.2003. Moreover, the issue arises in this writ petition is no longer *res-integra* and the same is covered by the decision rendered by the Hon'ble Full Bench of this Court in W.A.No.158 of 2016 dated 03.12.2019. For better appreciation, the relevant portion of the said decision is extracted hereunder:

38. In the light of the above, we answer the reference as follows:-

(i) those who are freshly appointed n or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003.

(ii) Those Government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent



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basis in terms of Rule 10(a)(i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a)(1) of Tamil Nadu State and Subordinate Service Rules 01.04.2003 and absorbed into regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.

(v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.”

6. On perusal of the above decision makes it clear the person, who observed after 01.04.2003 are not entitled for old pension scheme. Hence, applying the ratio laid down by the Hon'ble Full Bench of this Court in W.A.No.158 of 2016 dated 03.12.2019, this Court is not inclined to interfere with the order passed by the first respondent dated 18.11.2024 in KA.No.530/PAPO(PO)4/MAPOKA/2024.



Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is also closed.

21-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM

To:

1. Metropolitan Transport Corporation (Chennai)Ltd.,
Pallavan House,
Anna salai,
Chennai-600 002.
2. The Secretary,
Transport Department,
St.Fort,George,
Chennai-600 009.



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WP No. 1026 of 2



M.DHANDAPANI, J.

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WP No. 1026 of 2026

21-01-2026