



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2026

CORAM:

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

**Rev.Appl (MD)No.153 of 2025
and
C.M.P(MD)No.12569 of 2025**

- 1.The Principal Secretary to Government,
Revenue Department,
Secretariat, Chennai-600 009.
- 2.The Additional Chief Secretary and
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.The Tahsildar,
Kamuthi Taluk,
Kamuthi,
Ramanathapuram District.

... Petitioners/Appellants

vs.

- 1.K.Lakshmanan
- 2.The Accountant General

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WEB COPY No.361, Anna Salai,
Teynampet,
Chennai-600 018.

... Respondents

PRAYER : Review Application filed under Order 47 Rule 1 and 2 of C.P.C., read with Section 114 of Civil Procedure Code, to review the orders passed in W.A(MD)No.1446 of 2018, dated 22.10.2018.

For Appellants : Mr.D.Sasikumar
Additional Government Pleader

For R2 : Mr.P.Gunasekaran

JUDGMENT

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

The present Review application has been filed seeking review of the order passed by this Court in W.A(MD)No.1446 of 2018, wherein this Court dismissed the writ appeal by placing reliance on the order passed in W.A(MD)No.16 of 2009, dated 16.02.2000. Solely relying upon the said judgment, the writ appeal came to be dismissed.



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2. The learned counsel for the petitioner would submit that the writ petition was filed by the first respondent seeking a direction to count the service rendered by the first respondent as Thalaiyari from 01.02.1975 to 31.05.1995 and to re-fix and pay the pensionary benefits accordingly.

3. The learned counsel for the appellant brought to the notice of this Court a detailed order passed by the Division Bench of this Court in the Principal Secretary to Government, Revenue Department and two others vs. S.Muthiah and another, wherein this Court has clearly held that as per Rule 11(4) of the relevant Rules, only in cases where the person was appointed in accordance with the Rules and where such appointment was prior to 01.04.2003, 50% of the past service can be taken into account along with the regulat service for the purpose of pension.

4. Similarly, another Division Bench of this Court in W.A(MD)No.976 of 2021, dated 19.03.2025 has also taken the same view.

5. In the said judgment, the Division Bench has categorcially held that the direction issued by the learned Single Judge to count the past service of a person



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who was appointed as Thalaiyari on a part-time basis cannot be sustained.

6. In view of the above judgments of the Division Bench, the order passed by this Court dismissing the writ appeal without considering the above legal position requires reconsideration. Accordingly, the order passed by this Court in W.A(MD)No.1446 of 2018 is recalled.

7. In the light of the judgments of the Division Bench referred to above, the order passed by the learned Single Judge is set aside and the writ appeal stands allowed. Accordingly, the Review Application is allowed. No costs. Consequently, connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
13.03.2026

NCC : Yes / No
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Internet : Yes
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N.SATHISH KUMAR, J.

and

M.JOTHIRAMAN, J.

am

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