

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.37069 of 2016

S.Palaniammal

... Petitioner

vs.

1. The Government of Tamil Nadu,
represented by Secretary to Government,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
Nungambakkam,
Chennai 600 006.
3. The Chief Education Officer,
Tiruppur, Tiruppur District.
4. The Headmaster,
KSC Government Higher Secondary School,
Tiruppur - 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to consider the claim of the petitioner's representation dated 09.10.2015 and pass orders for condoning the break in her service from 16.09.1966 to 29.11.1978 and to count her service from 27.06.1963 to 15.09.1966 along with her service from 30.11.1978 to 31.08.2001 to reckon the total qualifying service for pension and to revise her pensionary benefits on that basis and disburse consequential monetary benefits.

For Petitioner : Mr.V.Thirupathi

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 1st respondent to consider her representation dated 09.10.2015 and pass orders for condoning the break in her service from 16.09.1966 to 29.11.1978 and to count her service from 27.06.1963 to 15.09.1966 along with her service from 30.11.1978 to 31.08.2001 to reckon the total qualifying service for pension and revise her pensionary benefits on that basis and disburse consequential monetary benefits.

2. According to the petitioner, she was initially serving as Secondary Grade Teacher in Municipal Elementary School, Tirupur from 27.06.1963 and served as such till 15.09.1966 and thereafter, resigned her job on account of her marriage. Subsequently, she was appointed as Tamil Pandit in KSC Government Higher Secondary School, Tiruppur on 30.11.1978 and retired from service on 31.08.2001 A.N. on attaining the age of superannuation.

3. The petitioner was granted pensionary benefits by the Principal Accountant General (A&E), Tamil Nadu, Chennai 18 (vide PPO No.C.113453/EDG, dated 08.08.2001). In calculating the net qualifying service, her services in KSC Government Higher Secondary School, Tiruppur from 30.11.1978 to 31.08.2001 (22 years 9 months) alone has been taken into account for pensionary benefits. The services rendered from 27.06.1963 to 15.09.1966 in Municipal Secondary School, Tiruppur (3 years 2 months 20 days) has not been taken into account. Consequently, the petitioner has been receiving lesser pension than what she is entitled to, under the Rules.

4. It is the further case of the petitioner that there is a break of service from 16.09.1966 to 29.11.1978 and as per the provisions of the Tamil Nadu Pension Rules, 1978, she is entitled to have the said break of service condoned, so as to enable her get the period from 27.06.1963 to 15.09.1966 to be counted along with her service from 30.11.1978 to 31.08.2001 to arrive at the total qualifying service for pension and get pensionary benefits revised on that basis. It is her grievance that she rendered service from 27.06.1963 to 15.09.1966 in the Municipal Elementary School, Tiruppur, which is a pensionable establishment and the same has not been taken into account. Though the petitioner submitted a representation dated 09.10.2015 to the 1st respondent/Government, requesting to condone the break in service for the above period, as there is no response, having no other alternative, she is before this Court.

5. Heard the learned counsel for the patties. When the matter is taken up for consideration, learned counsel for the petitioner submitted that if the 1st respondent is directed to consider the petitioner's representation, her grievance will be redressed.

6. In view of the above and considering the facts and circumstances of the case, this Court directs the petitioner to send a copy of the representation dated 09.10.2015 along with a copy of this order to the 1st respondent/Government within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of eight weeks.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To:

1. The Secretary to Government
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
Nungambakkam, Chennai 600 006.
3. The Chief Education Officer,
Tiruppur, Tiruppur District.
4. The Headmaster,
KSC Government Higher Secondary School,
Tiruppur - 4.

1 cc to Mr.V. Thirupathi, Advocate, Sr. 66195
1 cc to Government Pleader, Sr. 66107

सत्यमेव जयते W.P.No.37069 of 2016

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