



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.09.2018
CORAM
THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.20612 of 2018
and
W.M.P (MD) No.18361 of 2018

A.Shanthanakumari Natchathira Jeyamani

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education,
DPI Compound, Nungambakkam,
College Road,
Chennai - 600 005.
- 3.The Accountant General,
Chennai.
- 4.The District Educational Officer,
Thoothukudi District,
Thoothukudi.
- 5.The Correspondent,
TDTA. PSP Higher Secondary School,
Pudukkottai,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorarified Mandamus calling for the records relating to the impugned order in O.Mu.No.2828/A3/16, dated 19.7.2016 of the fourth respondent and to quash the same and consequently direct the respondents 1 to 4 to sanction the minimum pension to the Petitioner in the light of G.O.Ms(4D) No.10, dated 3.11.2009.

For Petitioner : Mr.J.Ashok

For Respondents : Mrs.S.Srimathi
1, 2 and 4 Special Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent-3 : Mr.P.Gunasekaran

**ORDER**

The petitioner has come forward with this Writ Petition to quash the impugned order in O.Mu.No.2828/A3/16, dated 19.7.2016 of the fourth respondent and consequently direct the respondents 1 to 4 to sanction the minimum pension to the Petitioner in the light of G.O.Ms(4D) No.10, dated 3.11.2009.

2.Mrs.S.Srimathi, learned Special Government Pleader takes notice for the respondents 1,2 and 4 and Mr.P.Gunasekaran, learned counsel takes notice for the third respondent. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

3.When the matter is taken up for hearing the learned Special Government Pleader appearing for the respondents 1,2 and 4 submitted that the Petitioner has resigned from the job.

4.Since the Petitioner has resigned from the job, she is not entitled to the pensionary benefits, as per Rule 23 of the Tamil Nadu Pension Rules, 1978. This Court in catena of decisions held that pension benefits cannot be extended to the employees who resigned from their job. The learned counsel for the third respondent has also submitted that the order made by the learned Single Judge in this regard has been confirmed in appeal and relied on a decision of the Division Bench of this Court in A.I.Agnel Illangovan .vs. Government of Tamil Nadu, represented by its Secretary to Government, Finance (LF Department), Secretariat, Fort.St.George, Chennai - 600 -009 reported in (2016) 3 MLJ 83.

5.In view of the above, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of School Education,
DPI Compound, Nungambakkam,
College Road,
Chennai - 600 005.



3.The Accountant General,
Chennai.

4.The District Educational Officer,
Thoothukudi District,
Thoothukudi.

+1CC to Mr.J.Ashok, Advocate, SR.No.87670
+1CC to Mr.P.Gunasekaran, Advocate, SR.No.87888

W.P. (MD) No.20612 of 2018
and
W.M.P (MD) No.18361 of 2018
28.09.2018

VSN
ES/SKN/RSK/SAR 3/16.11.2018/3P/7C