

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.No.24705 of 2019

J.Radhamani

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep. by its Secretary,
Finance (Pension) Department,
Fort St. George, Chennai-600009.

2.The Secretary to Government,
School Education Department,
Fort St. George, Chennai- 600 009.

3.The Principal Accountant,
General (A&E) Tamil Nadu,
361, Anna Salai, Chennai - 18.

4.The Director of School Education,
Nungambakkam, Chennai - 600 006.

5.The Chief Educational Officer,
Tiruppur, Tiruppur District.

6.The District Educational Officer,
Tiruppur, Tiruppur District.

7.The Secretary,
Sri Visalakshi Girls Hr. Sec. School,
S.V.Mills Post,
Udumalpet, Tirupur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus or any other writ or order or direction in the nature of writ directing the respondents to sanction pension and other retirement benefits to the petitioner taking into account the petitioner her service as B.T.Assistant / P.G. Assistant and also as Headmaster from 03.06.1974 to 16.07.1991 (17 Years) with effect from 16.07.1991

For Petitioner : Mr.V.Thirupathi
For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

This Writ Petition has been filed for the issuance of Certiorarified Mandamus, calling for the records relating to the impugned orders passed by the third respondent bearing Na.Ka.No.1662/4/2016/Pension/A dated 27.09.2016 and consequential order in ROC No.1662/4/2016/Pension/B dated 13.10.2016 and quash the same and consequently direct the Respondents to refund the amount which was deducted from the petitioner's pension.

2. According to the petitioner, she was appointed as B.T.Assistant in the year 1974 and later she was promoted as Headmaster in the year 1995. In the year 1990, the petitioner has tendered her resignation due to her health condition and the same was accepted by the seventh respondent herein and relieved her from service on 25.01.1991. Thereafter, it appears that the seventh respondent by letter dated Nil-2015 sent proposal to the fourth respondent and the same has been pending without any progress. Hence, the petitioner has come forward with the present Writ Petition.

3. Learned counsel for the petitioner would submit that the petitioner tendered resignation on the ground that she had put in 17 years of service and she is eligible for minimum pension admissible by the relevant rules. Though she made representation on 30.12.2014 to the respondents and even the seventh respondent sent pension proposals to the fourth respondent, there was no action forthcoming from the respondents. Hence, the learned counsel seeks direction to the respondents.

4. Learned counsel for the respondents would submit that after pension proposal was sent by the seventh respondent, the third respondent has considered the same and by proceedings dated 30.08.2016, returned the proposal on the ground that the petitioner has resigned her service and therefore she is not eligible for pension benefits as per Tamil Nadu Pension Rules 23 which envisages that resignation will forfeit the past services rendered. Therefore, the learned Government Advocate would submit that the present Writ Petition cannot be maintained since already the claim of the petitioner was considered and rejected and if at all the petitioner is aggrieved he can early agitate the proceedings dated 30.08.2016.

5. In view of the submissions made by the learned Government Advocate, this Court is inclined to entertain the present Writ Petition. Since already by proceedings dated 30.08.2016, the claim of the petitioner for grant of petition was considered and rejected by the third respondent by assigning reason that the petitioner has resigned her service which will forfeit the past service rendered by her. Hence, no pensionary benefits are admissible in her case. In such view of the matter, now it is for the petitioner to agitate the said rejection order dated 30.08.2016 passed by the third respondent.

6. Accordingly, the Writ Petition stands dismissed. No costs. However, the petitioner is at liberty to workout her remedy in the manner know to law.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

To

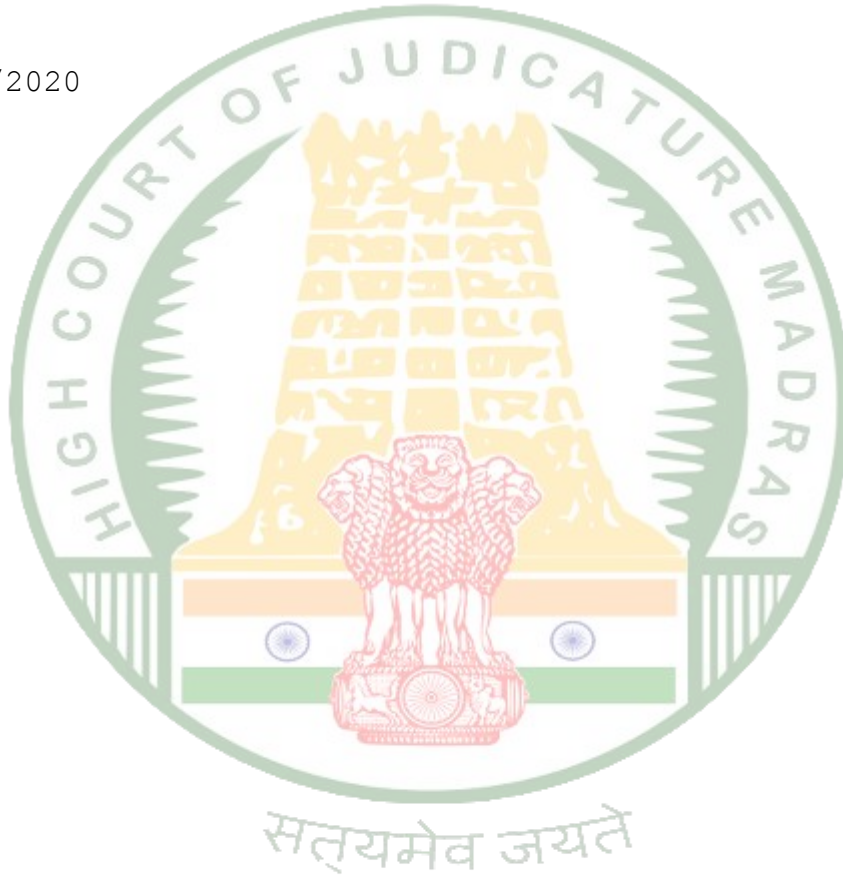
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+1cc to Mr.V.Thirupathi, Advocate Sr.86442
+1cc to the Government Pleader Sr.87319

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srg 22/01/2020



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