



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.2847 of 2015

WEB COPY

Chandrasekaran

... Petitioner

Vs.

1.The Principal Accountant General
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai - 18.

2.The Director of School Education,
Chennai - 6.

3.The District Educational Officer,
Sivagangai District,
Sivagangai.

4.Government of Tamil Nadu,
Represented by its Secretary,
Department of Education,
Secretariat,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the first respondent in Pen 24/V/Rev/12409113/13-14/ADK/85 dated 02.07.2014 and to quash the same and directing the respondents to revise the pensionary benefits to the petitioner from the date of retirement taking into account his entire period of service including the period of his service in Government Schools prior to joining the Aided School and to pay the amount due to him towards arrears of revised pension.

For Petitioner	: Mr.V.Kannan
For Respondent No.1	: Mr.P.Gunasekaran Standing Counsel
For respondents 2 to 4	: Mrs.S.Srimathy Special Government Pleader

O R D E R

The order impugned dated 02.07.2014, rejecting the claim of the writ petitioner for counting the earlier services rendered by him in the Government school is under challenge in the present writ



petition.

2.The writ petitioner was initially appointed as temporary Assistant Engineering Instructor in Government High School, Kothagiri in proceedings dated 08.07.1968. He was transferred to R.S.Government High School, Paramakudi. Subsequently, the writ petitioner resigned his job on 14.06.1972 and the letter of resignation submitted by the writ petitioner was accepted by the competent authorities with effect from 26.06.1992 and he was relieved from service.

3.The writ petitioner was subsequently appointed as Engineering Instructor in Raja's Higher Secondary School, Sivagangai on 20.07.1972 and the said school is an aided school. The petitioner attained the age of superannuation on 31.03.1999 and he was relieved from service during the end of the academic year on 31.05.1999.

4.The grievances of the writ petitioner is that his past services rendered from 08.07.1968 to 26.06.1972 was not counted for the purpose of calculating the pensionary benefits. The claim of the writ petitioner was rejected by the Principal Accountant General of Tamil Nadu by stating that the services rendered prior to the joining of the aided school cannot be counted.

5.In this regard, Rule 23 of the Tamil Nadu Pension Rules, 1978 is relevant. Resignation from a service or post entails forfeiture of past service. Only in cases where the resignation is submitted with a proper permission, for getting appointment to another services, then alone the past services can be taken into account and not otherwise. In the present case on hand, the writ petitioner resigned his job on his own volition. Therefore, the earlier services rendered by the writ petitioner cannot be taken for the purpose of calculating the qualifying services as the petitioner has resigned his job on his own volition and the resignation was also accepted and accordingly, Rule 23 operates against the writ petitioner. Thus, the impugned order is in consonance with the Tamil Nadu Pension Rules and there is no infirmity.

6.Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

Sub Assistant Registrar(CS)

MR



To

1.The Principal Accountant General
(Accounts & Entitlements) Tamil Nadu,
361, Anna Salai,
Chennai - 18.

2.The Director of School Education,
Chennai - 6.

3.The District Educational Officer,
Sivagangai District,
Sivagangai.

4.The Secretary,
Government of Tamil Nadu,
Department of Education,
Secretariat,
Chennai.

+1CC TO MR.P.GUNA SEKARAN, Advocate Sr. No.82794
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.82794

W.P[MD]No.2847 of 2015

21.08.2019

DB (CO)
TR(17.10.2019) 3P 7C