



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.06.2020**

**CORAM :**

**THE HONOURABLE MR.JUSTICE P.D. AUDIKESAVALU**

**W.P(MD) No. 6942 of 2020**

**and**

**WMP(MD) Nos. 6369 and 6370 of 2020**

A.Devaraj

...Petitioner

Vs.

1. The State of Tamilnadu,  
rep. By its Chief Secretary to the Government,  
Personnel & Administrative Reforms (S) Department,  
Secretariat, Chennai - 600 009.
2. The State of Tamil Nadu,  
Rep. By its Chief Secretary to Government,  
School Education Department, Secretariat,  
Chennai - 600 009.
3. The Commissioner of School Education,  
The Commissioner of School Education Department,  
College Road, Chennai - 600 006.
4. The Director of School Education Department,  
District Education Officer,  
O/o. The School Education Department,  
College Road, Chennai - 600 006.
5. The District Educational Officer,  
Thiruvattar, Kanyakumari District.
6. The Corporate Manager  
Corporate Management of Roman Catholic Schools,  
Diocese of Kottar, Thedal, 10/8-46C, Bridge Road,  
Near Fire Station, Kuzhithurai-629 163,  
K.K.District.
7. The Correspondent,  
Christ the King High School,  
Piracode, Kanyakumari District.



8. The Correspondent,  
St. Joseph's Higher Secondary School,  
Thirithuvapuram,  
Kanyakumari District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent in his proceedings in G.O Ms.No.51 Personnel and Administrative Reforms (S) Department dated 07.05.2020 in so far as it restricts to those who are in regular service as on date and due to retire on superannuation from 31.05.2020 and consequential impugned order passed by the first respondent in his proceedings in Lr.No.11308/S/2020-1 dated 14.05.2020 and quash the same as illegal and consequently to direct the respondents to extend the Petitioner's retirement age from 58 years to 59 years in terms of the G.O Ms.No.51 Personnel and Administrative Reforms (S) Department dated 07.05.2020.

For Petitioner : Mr.J.Jeyakumaran

For Respondents 1 to 5 : Mrs.S. Srimathy,  
Special Government Pleader

### O R D E R

Heard Mr. J.Jeyakumaran, learned counsel appearing for the Petitioner and Mrs. S.Srimathy, Special Government Pleader, who takes notice for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was initially appointed as School Assistant, is now working as P.G. Assistant in the school of the Eighth Respondent. Though he attained the age of superannuation of 58 years on 30.04.2020, he was granted re-employment till the end of that academic year as per the prevailing practice. The First Respondent by G.O. Ms. No.51 Personnel and Administrative Reforms (S) Department dated 07.05.2020 had increased the retirement age of the Government Employees in the State of Tamil Nadu who were in regular service as on that date from 58 years to 59 years. The Petitioner has filed this Writ Petition claiming the said benefit of extension of service till he completes 59 years.

3. Learned Special Government Pleader appearing for the First to Fifth Respondent submits that the said Government Order is applicable only to those Government employees, who were in regular service as on that day and it would not apply to those employees, whose services had been extended till the end of the academic year,



as in the case of the Petitioner. In support of that contention, reliance is placed on the decision of this Court in the order dated 08.06.2020 in W.P. (MD) No. 6442 of 2020 etc., batch [**S. Germani Isabella -vs- The State of Tamil Nadu**] in the case of similarly placed persons.

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4. It is evident on a perusal of the aforesaid decision that the said view has been taken following the binding ruling of the Hon'ble Supreme Court of India in **Chandra Mohan Varma -vs- State of Uttar Pradesh** [2020 SCC online 59]. There is no dispute that the Petitioner is not in regular service and he has attained the age of superannuation on 30.04.2020, before the Government Order came into force and as such, he would not be entitled to its benefits.

5. In the aforesaid circumstances, the claim of Petitioner in the Writ Petition cannot be entertained. However, the Respondents shall process the pension papers and pay the accumulated arrears of pensionary and retirement benefits to the Petitioner as applicable by 31.07.2020, apart from monthly pension on the due dates, failing which interest shall be paid for delayed payment as per rules.

6. Accordingly, the Writ Petition is dismissed with the aforesaid observations. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ta/sj

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



To

1. The Chief Secretary to the Government,  
Personnel & Administrative Reforms (S) Department,  
State of Tamilnadu,  
Secretariat, Chennai - 600 009.

2. The Chief Secretary to Government,  
School Education Department,  
State of Tamil Nadu,  
Secretariat,  
Chennai - 600 009.

3. The Commissioner of School Education,  
The Commissioner of School Education Department,  
College Road, Chennai - 600 006.

4. The Director of School Education Department,  
District Education Officer,  
O/o. The School Education Department,  
College Road, Chennai - 600 006.

5. The District Educational Officer,  
Thiruvattar, Kanyakumari District.

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