



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2020

CORAM :

THE HONOURABLE MR.JUSTICE P.D. AUDIKESAVALU

W.P(MD) No. 6995 of 2020

and

WMP(MD) Nos. 6417 and 6418 of 2020

V.Vasantha

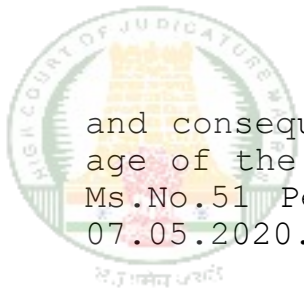
...Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Chief Secretary to the Government,
Personnel & Administrative Reforms (S) Department,
Secretariat,
Chennai - 9.
2. The State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.
3. The Commissioner of School Education,
O/o. the Commissioner of School Education Department,
College Road,
Chennai - 6.
4. The Director of School Education,
O/o. The School Education Department,
College Road,
Chennai - 6.
5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Ramanathapuram.

...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 I.A. No. 11308/S/2020-1 dated 14.05.2020 and quash the same as illegal



and consequently to direct the respondents to extend the retirement age of the Petitioner 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.

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For Petitioner : Ms. M.Sakuntala Devi
For Respondents : Mrs.S. Srimathy,
Special Government Pleader

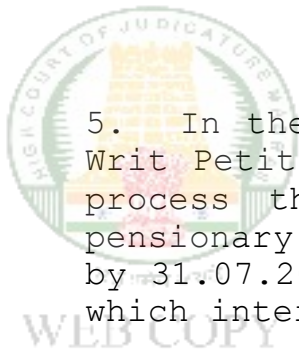
O R D E R

Heard Ms. M.Sakuntala Devi, learned counsel appearing for the Petitioner and Mrs. S.Srimathy, Special Government Pleader, who takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who was initially appointed as Physical Education Teacher, is now working as Assistant Headmaster in Ayra Vysya Higher Secondary School, Ramanathapuram. Though she attained the age of superannuation of 58 years on 30.04.2020, she 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 she completes 59 years.

3. Learned Special Government Pleader appearing for the 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.

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 she has attained the age of superannuation on 30.04.2020, before the Government Order came into force and as such, she 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)

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/ /2020

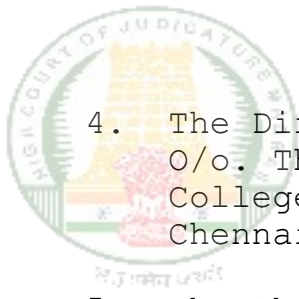
Sub Assistant Registrar(CS)

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 - 9.
2. The Chief Secretary to Government,
School Education Department, Secretariat,
State of Tamil Nadu,
Secretariat,
Chennai - 9.
3. The Commissioner of School Education,
O/o. the Commissioner of School Education Department,
College Road,
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4. The Director of School Education,
O/o. The School Education Department,
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5. The Chief Educational Officer,
O/o. the Chief Educational Officer,
Ramanathapuram.

W.P (MD) No. 6995 of 2020
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CS (01.07.2020) 4P 6C