



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.4222 of 2014

and

MP(MD)No.1 of 2014

WEB COPY

P.Mahalakshmi

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

3.The District Educational Officer,
Uthamapalayam, Theni District.

4.The Manager and Correspondent,
S.U.M.Higher Secondary School,
Royappanpatti, Theni District.

5.The Principal Accountant General
(A&E) of Tamil Nadu, 361, Anna Salai,
Teynampet, Chennai-600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and disburse the pension, DCRG and other pensionary benefits along with 18% interest to the petitioner within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy
M/s.Victory Associates

For Respondents : Mr.J.Gunaseelanmuthiah
Additional Government Pleader
(for R1 to R3)
Mr.V.Panneerselvam (for R4)
Mr.P.Gunasekaran (for R5)

ORDER

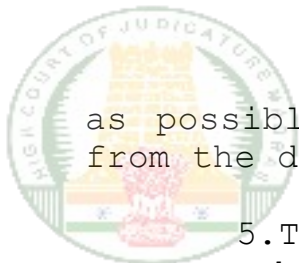
The relief sought for in the present writ petition is to direct the respondents to sanction and disburse the pension, DCRG and other pensionary benefits along with 18% interest to the writ



2.The learned counsel appearing on behalf of the writ petitioner contended that the petitioner was appointed as Tamil Pandit on 20.01.1981 and she worked in different schools and the certain period of services were approved by the competent educational authorities from 03.06.1992 to 31.07.1997. She was working as Secondary Grade Teacher in the fourth respondent school. However, the salary was not paid to the writ petitioner. On 01.08.1997, the writ petitioner was appointed as Secondary Grade Teacher at the fourth respondent school and the same was approved by the third respondent and the pay of the writ petitioner was refixed and annual increments were granted to the writ petitioner. The petitioner reached the age of superannuation and retired from service on 31.01.2004. Earlier, she filed W.P.(MD)No.3860 of 2005 for payment of salary. The writ petition was allowed on 27.06.2008 and the third respondent was directed to pay the entire salary for the period from 03.06.1992 to 31.07.1997. The petitioner claims that she has served about 13 years 3 months and 17 days on various spells from the date of appointment on 20.01.1981. Thus, she is eligible to get pension and pensionary benefits. The petitioner has completed Child Psychology Training for the period from 02.05.2003 to 31.05.2003. In this regard, the petitioner has submitted several representations to the authorities and no reply has been given so far.

3.The learned counsel appearing on behalf of the respondents opposed the contentions by stating that the petitioner is not eligible for pension and pensionary benefits. In view of the fact that the qualifying services are to be granted from the date of approval of appointment and as such, the petitioner has not completed the minimum required qualification services as per the pension rules. It is further contended that the petitioner has not passed the Child Psychology Course within the permitted period. She has completed the Child Psychology Training only during the year 2003. She retired from service in the year 2004. This being the factum, the prayer as such sought for cannot be granted.

4.This Court is of the considered opinion that the petitioner has made several representations enabling to understand the reason for non-sanctioning of pension and pensionary benefits. In such circumstances, the authorities competent are bound to verify the service records and take a decision and communicate the said decision to the aggrieved persons. Aggrieved persons must know the reason for non-sanctioning of the pension and this being a right, the respondents are directed to consider the case of the writ petitioner with reference to the service records and based on the representations submitted by the writ petitioner and pass orders and communicate the same to the petitioner as expeditiously



as possible and preferably within a period of twelve (12) weeks from the date of receipt of a copy of the representation.

5.The learned counsel appearing for the respondents further states that as per Clause 3 (viii) of G.O.Ms.No.155, dated 03.10.2002, the writ petitioner is not entitled to claim any service benefits including the pensionary benefits. However, the authorities have to consider all these aspects with reference to the service records of the writ petitioner.

6.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)

sjj

To

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

2.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

3.The District Educational Officer,
Uthamapalayam, Theni District.

+1 CC to SGP (SR-21091[F] dated 04/11/2020)

+1 CC to Mr.A.THIRUMURTHY, Advocate (SR-20965[F] dated 03/11/2020)

W.P. (MD) .No.4222 of 2014
03.11.2020

PM(CO)

KM (11.11.2020) 3P 6C