



WEB COPY

W.P.(MD)No.3591 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.3591 of 2015

and

M.P.(MD).No.1 of 2015

S.Hanifa

... Petitioner

Vs.

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

2.The Director of Elementary School Education,
College Road, Chennai - 6.

3. The Principal Accountant General,
(Accounts & Entitlements),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.

4. The Correspondent,
Mohamedia Elementary School,
Chittarkottai 625 513,
Ramanathapuram District.

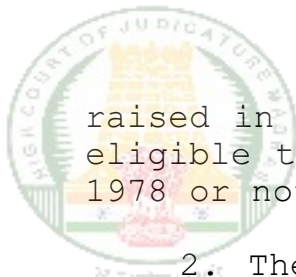
... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant minimum pension to the petitioner as compulsorily retired Junior Grade Teacher in the 4th respondent aided school as per the provisions of Tamil Nadu Pension Rules, 1978 considering his old age and within a reasonable time.

For Petitioner	: Mr.K.Appadurai
For R1 , R2	: Mr.J.Gunaseelan Muthiah Additional Government Pleader
For R3	: Mr. P.Gunasekaran
For R4	: Mr.J.M.Hassanul Bazari

O R D E R

The writ petitioner seeks a direction to direct the respondents to grant minimum pension as compulsorily retired Junior Grade Teacher in the 4th respondent aided school as per the provisions of the Tamil Nadu Pension Rules, 1978. The relevant point



raised in the writ petition is that, whether the writ petitioner is eligible to get minimum pension under the Tamil Nadu Pension Rules, 1978 or not.

2. The learned Counsel appearing on behalf of the respondents made a submission that the writ petitioner was removed from the service and the order of removal from service passed by the School Management was approved by the competent educational authorities on 29.07.1983 itself. Thus, the order of removal became final. The petitioner himself has stated in para 7 of his affidavit that he was removed from service.

3. An employee, who was removed from service is not entitled for pension. Rule 21 of the Tamil Nadu Pension Rules, 1978 stipulates forfeiture of service or dismissal or removal. Dismissal or removal of a government servant from the service or post entails forfeiture of the past service. Therefore, the very claim set out by the writ petitioner, who was removed from the service is not entertainable.

4. The writ petitioner filed the writ petition based on the footing that he is entitled for minimum pension as per the Tamil Nadu Pension Rules, 1978. In fact, his order of removal from service was approved by the competent educational authorities on 29.07.1983 itself.

5. This being the factum, the relief as such sought for to grant minimum pension cannot be considered and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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



2.The Director of Elementary School Education,
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3. The Principal Accountant General,
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Ramanathapuram District.

+1 CC to SPL GP (SR-22930[F] dated 26/11/2020)

W.P. (MD)No.3591 of 2015
24.11.2020

VB (03.12.2020) 3P 6C