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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP.NO.23515 OF 2008

P.Ranganayaki

...

Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George, Chennai - 600 009.
2. Director of Elementary Education
College Road, Chennai - 600 006.
3. District Elementary Educational Officer
Tirunelveli.
4. Assistant Elementary Educational Officer
Cheranmahadevi, Tirunelveli District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to Letter No.23118/B2/2004, dated 27.07.2008 issued by the first respondent, quash the same and direct the 1st respondent to include the petitioner's services from 01.01.1974 to 31.08.1984 for computation of pension.

For Petitioner : Mr.V.Manohar

For Respondents: Mr.C.Selvaraj
Government Advocate (Civil Side)

O R D E R

The petitioner sought for counting of services rendered in the previous service at New Delhi for the purpose of counting it for pension, which she receives pursuant to her service in the State Government, Government of Tamil Nadu.



2.The first respondent/Government, in its letter No.23118/B2/2004 dated 27.07.2008 rejected the request of the petitioner on the grounds that the service rendered by the petitioner was in an aided school at New Delhi and she has resigned from the service and joined as a fresh candidate in Tamil Nadu and therefore, her services as a Teacher in the Aided School at New Delhi, cannot taken upto consideration for counting it for pension.

3.From the materials placed before this Court, it could be seen that the petitioner was working as Secondary Grade Teacher in an aided School at New Delhi. She has neither obtained "No Objection Certificate" from the New Delhi State Government nor obtained Migration Certificate from the employer for joining the new services at Tamil Nadu. On the other hand, she has resigned her service from the private Management and appeared for selection and joined as a fresh candidate. The past service rendered in the State Government or Central Government before taking up a new assignment in the other Government service, can be counted for pension. But however, the services rendered in a private institution cannot be taken up for consideration. Even counting of the past services in the other Government services is subject to fulfilling some preconditions.

4.In the instant case, the petitioner having served in an aided School at New Delhi, is not entitled to get her past services counted for pension. Therefore, I do not find any merit in this writ petition and accordingly, the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TK

To

1. The Secretary
Government of Tamil Nadu
Department of School Education
Fort St. George, Chennai - 600 009.
2. Director of Elementary Education
College Road, Chennai - 600 006.
3. District Elementary Educational Officer
Tirunelveli.



4. Assistant Elementary Educational Officer
Cheranmahadevi, Tirunelveli District.

+1cc to the Government Pleader, S.R.No.33936

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SKY (CO)
CS/13/08/2021