



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

**DATED: 18.03.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.19459 of 2017**

B.Akilamany

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by its Secretary to Government,  
School Education Department,  
Fort St.George, Chennai-9.

2.The Directorate of School Education,  
Represented by its Director,  
College Road, Chennai-8.

3.The Chief Educational Officer,  
Trichy.

4.The District Educational Officer,  
Trichy.

5.The Accountant General,  
Office of the Accountant General,  
Tamil Nadu, 361 Anna Salai,  
Teynampet, Chennai-600 018.

6.The Head Master,  
Government Higher Secondary School,  
Manapparai.

...Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the sixth respondent to submit the pension proposal/papers with the respondents 1 to 5 with a reasonable time fixed by this Court and on such submission of pension proposal/papers by the sixth respondent, the respondents 1 to 5 may be directed to pass orders on the same granting pension to the petitioner within a time stipulated by this Court.

|                   |                               |
|-------------------|-------------------------------|
| For Petitioner    | : Mr.K.K.Senthil              |
| For R1 to R4 & R6 | : Mr.C.M.Marichelliah Prabhu  |
|                   | Additional Government Pleader |
| For R5            | : Mr.P.Gunasekaran            |

**O R D E R**

This writ petition has been filed for a direction to the sixth respondent to submit the pension proposal to the respondents 1 to 5 and on such submission of pension proposal by the sixth respondent,



the respondents 1 to 5 may be directed to pass orders on the same, granting pension to the petitioner within a time stipulated by this Court.

2. The case of the petitioner is that initially the petitioner was appointed as Teacher in Seva Sangam Higher Secondary School, Trichy through employment exchange in a leave vacancy in the year 1983 and thereafter, she was appointed in Boiler Plant Higher Secondary School, Trichy, on consolidated basis. Subsequently, the petitioner was accommodated in the post of P.G.Teacher leave vacancy of regular Government Teacher from 14.07.1987 to 11.10.1987. On 17.09.1999, the petitioner got regular appointment in Government High School, through Teachers Recruitment Board as B.T.Assistant. Thereafter, she was posted as P.G.Teacher at Manaparai Government Higher Secondary School, on 30.11.1999 and worked till her retirement on 30.09.2008 and the petitioner totally rendered 9 years 4 months and 29 days of service. However, pension was not paid to the petitioner on the ground that she has not rendered qualifying service of 10 years for grant of minimum pension. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that initially the petitioner was appointed in the leave vacancy in the year 1987 and thereafter, she got regular appointment and retired from service in the year 2008. However, the earlier service rendered by the petitioner in Boilers Plant Girls Higher Secondary School was not taken into consideration for payment of pension. Hence, this Court may issue a direction to the sixth respondent to send a proposal to the official respondents for granting pension to the petitioner.

4. Per contra, the learned Additional Government Pleader appearing for the official respondents would submit that the pension proposal was sent to the fifth respondent and in turn, the fifth respondent has passed an order, dated 04.11.2008, accepting the petitioner's service as 9 years 4 months and 29 days, that the petitioner is eligible for DCRG and service gratuity only. However, the regular pension cannot be granted in favour of the petitioner, since the petitioner has not rendered 10 years of qualifying service.

5. The facts in the present case are not in dispute. Initially, the petitioner has rendered service in Boiler Plant Higher Secondary School, Trichy from 14.07.1987 to 11.10.1987, on consolidated basis and she got regular appointment in Government High School, Sobanapuram, through Teachers Recruitment Board, on 17.09.1999 and retired from service on 30.09.2008. The service rendered in the leave vacancy cannot be considered as regular appointment. As per Section 12 of the Tamil Nadu Pension Rules, the service of a

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and pay are regulated by the Government or under conditions determined by the Government. In the present case, in the leave vacancy, the Government not paid salary to the petitioner. Admittedly, the petitioner got regular appointment as B.T.Assistant in Government High School, Sobanapuram, through employment exchange only on 17.09.1999. Further, the petitioner has not completed 10 years of service and as per the Pension Rules, the petitioner is not entitled to pension. It appears that already the sixth respondent forwarded the proposal to the fifth respondent for settlement of terminal benefits and as per the order of the fifth respondent, retirement benefits were paid to the petitioner. Hence, the prayer sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

To

- 1.The Secretary to Government,  
State of Tamil Nadu,  
School Education Department,  
Fort St.George, Chennai-9.
  - 2.The Directorate of School Education,  
Represented by its Director,  
College Road, Chennai-8.
  - 3.The Chief Educational Officer,Trichy.
  - 4.The District Educational Officer,Trichy.
  - 5.The Head Master,  
Government Higher Secondary School,Manapparai.
  6. The Accountant General,  
Office of the Accountant General,  
Tamil Nadu, 361 Anna Salai, Teynampet, Chennai-600 018.
- +1 CC to M/s.SPL GP ( SR-12535[F] dated 19/03/2021 )

**W.P. (MD)No.19459 of 2017**

**18.03.2021**

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