



WEB COPY



W.P.No.8996 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8996 of 2018

and

W.M.P.No.10845 of 2018

E.Shanmugam

... Petitioner

Vs.

1. The Secretary to Government,
Tamil Development, Culture and
Hindu Religious (A.Ni.4-1) Department,
Fort St. George,
Chennai – 600 009.
2. The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam High Road,
Nungambakkam,
Chennai – 600 034.
3. The Joint Commissioner/Executive Officer,
Hindu Religious and Charitable Endowment Department,
Arulmigu Devi Karumariamman Thirukoil,
Thiruverkadu,
Chennai – 600 077.
4. The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Sathuvachari,



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Vellore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to sanction the pension to the petitioner by taking note of the G.O.Ms.No.55 Tamil Development Culture and Hindu Religious (A.Ni.4-1) Department, dated 13.02.2006 issued by the first respondent.

For Petitioner	: Mrs.R.Hemalatha for M/s.C.Prakasam
For Respondents	:
For R1, R2 & R4	: Mr.M.Rajendiran Additional Government Pleader
For R3	: Mrs.Padmaja Mohan

ORDER

The relief sought for in the present writ petition is to direct the respondents to sanction the pension to the petitioner based on G.O.Ms.No.55 Tamil Development Culture and Hindu Religious (A.Ni.4-1) Department, dated 13.02.2006 issued by the first respondent.

2. The petitioner was appointed as Night Watchman in the year 1980 and was working as a Watchman in Arulmigu Undreeswarar Temple, Thiruverkadu, Thiruvallur District and retired from service on 28.02.2016. The Government of Tamil Nadu introduced “Departmental Pension Scheme” for the employees working in temples in the State of Tamil Nadu falling under the



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control of the Hindu Religious and Charitable Endowments Department.

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3. As per the Departmental Pension Scheme, the employees have to furnish their details and make contribution for the purpose of admitting them as a member of the scheme, so as to provide the benefit from and out of the contribution, corpus fund was created and from the said corpus fund, the pension scheme is being implemented by the competent authorities. Thus, it is necessary to become the member of the scheme for the purpose of availing the benefit.

4. The learned Additional Government Pleader for the respondents made a submission that the employees concerned working in all the temples were requested to register their names under the Departmental Pension Scheme in the prescribed application by the department along with registration fee and one time premium amount.

5. Pursuant to the instructions issued by the Department, 71 employees from Thiruverkadu, Arulmigu Devi Karumariamman Temple had registered their name and getting pension under the said Scheme. But, the petitioner has failed to register his name under the Departmental Pension Scheme by remitting the one



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time premium amount and registration fee.

6. The learned Additional Government Pleader for the respondents further stated that the Departmental Pension Scheme has been implemented from 01.01.2006. The petitioner was retired from service on 31.12.2016. In the interregnum period of 11 years, the petitioner has not shown any interest to register his name under the Scheme by paying the prescribed amount to the Corpus Fund. The pension has been paid from the interest derived from the Corpus Fund. The said Corpus Fund was created taking into account the number of beneficiaries registered under the said scheme. The petitioner has not stated any reason for his non-enrollment under the scheme. It is settled law that ***“Vigilantibus non dormientibus, jura subveniunt”*** it means “the laws assist who are vigilant, not for those who slept over their rights”. The petitioner has slept over for the last 11 years and now making his claim for the payment of pension under the Scheme. The petitioner being a non-member, in this pension-scheme is a third party and he has not an iota of right to claim any benefit under this scheme.

7. In the present case, the petitioner has chosen not to become a



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member of the Departmental Pension Scheme. He has neither submitted application in the prescribed format nor paid the premium amount and became a member of the scheme. Now, after a lapse of several years, the petitioner cannot be enrolled as a member, since he retired from service long back. An opportunity was provided to the petitioner and he had not availed the same on his own choice and therefore, after this length of time he cannot turn around and state that he should be admitted as a member. Such a statement after belated period cannot be considered. Thus, the writ petitioner has not established any acceptable ground for the purpose of granting remedy.

8. Accordingly, the writ petition stands dismissed. No cost. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Internet:Yes/No
Speaking order/Non-speaking order
rgm/ssr



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S.M.SUBRAMANIAM, J.

SSR

To

1. The Secretary to Government,
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Hindu Religious and Charitable Endowment Department,
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