



W.P.No.8575 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.8575 of 2017
and
W.M.P.No.23476 of 2017

M.Valsala

...Petitioner

-Vs-

- 1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Joint Director of School Education,
College Road, Chennai - 600 006.
- 4.The Chief Educational Officer,
Coimbatore District,
Coimbatore.
- 5.The Headmaster,
Government Higher Secondary School,
Malumichampatti,
Coimbatore District - 641 071.

...Respondents



W.P.No.8575 of 2017

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first respondent to apply 42(3) of Tamil Nadu Pension Rules and treat the fraction of 8 months as one half year and make the qualifying service rendered by the petitioner as 9 years and 10 months as against 9 years and 4 months for a period from 15.07.2002 to 30.11.2011 and relax the relevant rules and add the service rendered by the petitioner on re-employment for a period from 01.12.2011 to 31.05.2012 at Government Higher Secondary School, Malumichampatti, Coimbatore District or the service rendered by the petitioner for a period from 05.08.1991 to 21.08.1998 at Chamraj Aided Higher Secondary School, Ooty, the Nilgiris District on English Medium Section, for the purpose of minimum pension and issue a consequential direction to the respondents to sanction pension and other consequential benefits to the petitioner.

For Petitioner : Mr.R.Saseetharan

For R1 to R4 : Mr.T.Chezhiyan,
Additional Government Pleader

For R5 : No Appearance

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4. There is no appearance for the 5th respondent.



W.P.No.8575 of 2017

2. The petitioner's service as a Block Resource Teacher Educator from 15.07.2002 till her date of superannuation in the post of P.G. Assistant on 30.11.2011 is 9 years and 4 months. By applying Rule 43(3) of the Tamil Nadu Pension Rules, her total qualified service could be reckoned as 9 years and 6 months.

3. The petitioner now claims that since Rule 82 of the Tamil Nadu Pension Rules empowers the Government to relax any conditions that may be required for dealing with the case in a just and equitable manner and in view of the fact that she is short of qualifying for pension by 6 months alone, she seeks for a sympathetic consideration.

4. This Court is of the view that the power to relax is only vested with the Government and this Court, by exercising its power under Article 226 of the Constitution of India, may not be justified in directing the Government to relax the conditions. Nevertheless, if the petitioner is directed to approach the first respondent seeking for redressal of her grievance, the ends of justice could be secured.



W.P.No.8575 of 2017

5. In the light of the above observation, the petitioner herein is granted liberty to make a fresh representation to the first respondent ventilating her grievance and on receipt of the same, the first respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of 3 months from the date of receipt of the representation.

6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

05.12.2022

Index:Yes/No
Internet:Yes/No
hvk



W.P.No.8575 of 2017

To
WEB COPY

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



WEB COPY



W.P.No.8575 of 2017

M.S.RAMESH,J.

hvk

W.P.No.8575 of 2017

05.12.2022