



W.P.No.30596 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 19.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30596 of 2018

N.Guruvijaya

...Petitioner

Vs.

- 1.The Accountant General,
(Accounts and Entitlement)
Tamil Nadu Office,
361, Anna Salai,
Chennai – 18.
- 2.The Director of Pension,
259, Anna Salai, Block 3, II Floor,
D.M.S.Compound,
Teynampet,
Chennai – 6.
- 3.The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 4.
- 4.The Director of School Education,
D.P.I.Complex, College Road,
Chennai – 6.



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5.District Education Officer,
Coimbatore.

..Respondents

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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay pension from 02.06.1976 till date together with interest and further, direct subsequent monthly pension gratuity payable to the petitioner.

For Petitioner	: Mr.Sunny For Mr.V.Raghavachari
For R1	: Mrs.Hema Muralikrishnan
For R2 to R5	: Mrs.S.Mythreyechandru Special Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to pay pension from 02.06.1976 till date together with interest and further, direct subsequent monthly pension gratuity payable to the petitioner.

2. The petitioner filed the present writ petition at the age of 82 years and after a lapse of about 42 years from the date of her resignation. The petitioner states that she worked as a Middle School Teacher at Sri



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Visalakshi Girl's High School at Udumalpet from 12.06.1959. She had resigned her services admittedly on 02.06.1976 on account of certain family circumstances. The letter of resignation was accepted by the School Management and the petitioner was relieved from service from 02.06.1976 onwards. The petitioner has not made any claim thereafter. After a lapse of several years, the petitioner made a representation in the year 1998 to the authorities to sanction pension and the said representation was rejected by the competent authorities i.e., Director of School Education in proceedings dated 26.03.1998. The order of rejection reveals that the petitioner resigned her post on 02.06.1976 and relieved from service. Therefore, the petitioner is not eligible for pension even as per the Government order issued in G.O.Ms.No.37 dated 05.01.1983.

3. The petitioner admittedly had not challenged the said rejection order dated 26.03.1998. Thereafter also, the petitioner had not pursued the remedy. Pertinently, after a lapse of several years, again the petitioner sent a representation on 21.04.2017 and on subsequent dates and based on the said representation, the present writ petition has been filed. The said



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representation was also rejected by the authorities in proceedings dated 23.11.2018.

4. Repeatedly submitting a representation and repeated rejection would not be a ground to entertain a writ petition after a lapse of about 42 years from the date of resignation of the writ petitioner.

5. The learned counsel appearing on behalf of the Accountant General of Tamil Nadu made a submission that the applicability of the Government order issued in G.O.Ms.No.37, Education dated 05.01.1983 has been clarified by the Government of Tamil Nadu, Education Department in Letter No.Ms.1490, Education dated 26.12.1985 itself. As per the clarification issued by the Government, the petitioner is not eligible for pension even as per the Government order issued in G.O.Ms.No.37, Education dated 05.01.1983. It was clarified that *“Pension will not be sanctioned under the PENSION SCHEME FOR STAFF OF NON-GOVERNMENT EDUCATIONAL INSTITUTIONS to any staff of those institutions who have resigned ON OR AFTER the crucial date (meaning the crucial dates*



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mentioned in para 1 above). The Heads of Departments concerned, (Director of School Education etc.,) are requested, not to send any proposals to Government for sanction of pension under the said scheme, in/respect of staff of non-Government educational institutions who have resigned on or after the crucial dates.”

6. Thus, even on merits, the petitioner could not able to establish that she is eligible for pension. Further, the petitioner is a resigned employee, resigned her services on 02.06.1976, which amounts to forfeiture of past services as per the pension rules. That apart, the petitioner has not pursued the remedy and caused enormous delay even in approaching the competent authorities as well as this Court. The first rejection order of the year 1998 itself was not challenged by the writ petitioner and the second rejection order issued in the year 2018 also has not been challenged in the present writ petition.



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7. For all these reasons, this Court do not find any reason to consider the relief as such sought for in the present writ petition. Accordingly, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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To

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S.M.SUBRAMANIAM, J.

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