



W.P.(MD)No.15063 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.15063 of 2022
W.M.P(MD).No.10779 of 2022

M.Patturajan

... Petitioner

Vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai-600 002.

2.The Principal Secretary to Government,
Government of Tamil Nadu,
Public (Special B) Department,
Secretariat,
Fort St.George,
Chennai-600 002.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus to



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call for the records of the second respondent in his proceedings in Letter No.3598/Special B/2019-1 dated 28.12.2019 and quash the same, and consequently direct the respondent herein to pay pension to the petitioner.

For Petitioner : Mr.K.Hemakarthykeyan

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the second respondent pertaining to the proceedings in Letter No. 3598/Special B/2019-1 dated 28.12.2019, quash the same and direct the respondents herein to pay pension to the petitioner.

2. The learned counsel appearing for the petitioner submitted that the petitioner was appointed to the post of Special Representative for Government of Tamil Nadu at New Delhi for the period from 12.05.1986 to 29.02.1988, he relinquished his charge after 29.02.1988



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and he is entitled for the pension. In this regard, he has approached the Secretary, Tamil Nadu Legislative Assembly Secretariat, Chennai. However, the Secretary has informed that there is no provision for sanction of pension under Section 12(B) of Tamil Nadu Payment of Salaries Act, 1951. Hence, he has filed a writ petition in W.P(MD).No. 7491 of 2018, before this Court to direct the respondents to grant monthly pension to the petitioner and the same was allowed on 17.10.2019, by giving a direction to the respondents therein to consider the petitioner's fresh representation and pass orders. Thereafter, the impugned order is passed by the second respondent rejecting the claim of the petitioner for the reason that the petitioner was appointed as Special Representative for the Government of Tamil Nadu at New Delhi in a temporary post created at consolidated pay of Rs.2000/- per month and the said post does not come under the purview of the pensionable post defined under the Tamil Nadu Pension Rules, 1978.

3. The learned counsel appearing for the petitioner submits that the appointment order of the petitioner reveals that the post of the Special



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Representative for Government of Tamil Nadu at New Delhi is equivalent to the post of Cabinet Minister of Tamil Nadu. Hence, he is entitled for the pension.

4. Mr.M.Siddhartha, learned Additional Government Pleader takes notice for the respondent and submits that in the impugned order, the reason has been clearly assigned by the second respondent for non-entitlement of the pension to the petitioner. Therefore, the writ petition is liable to be dismissed.

5. This Court considered the rival submissions made on both sides and perused the materials available on record.

6. Admittedly, the petitioner was appointed as Special Representative for the Government of Tamil Nadu at New Delhi on a temporary post created at consolidated pay of Rs.2,000/- per month and on his request, he was permitted to relinquish his charge from 29.02.1988. These facts are not disputed. However, it is the specific



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contention of the respondents that the post of the Special Representative for the Government of Tamil Nadu at New Delhi does not come within the purview of the pensionable post defined under the Tamil Nadu Pension Rules, 1978. This Court is of the view that the Former Ministers of Tamil Nadu may be paid the pension only because of their holding the post of Member of the Legislative Assembly (MLA). There are specific provisions for providing pension to the Members of the Legislative Assembly and the petitioner's case does not come within that purview. Therefore, accepting the reasons stated by the second respondent for refusal of granting pension to the petitioner, this Court dismisses the petition.

7. Accordingly, this Writ Petition is dismissed. No costs. Connected miscellaneous petition is closed.

13.07.2022

Internet: Yes
Index :Yes/No
ssb



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G.CHANDRASEKHARAN, J.

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