



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15560 of 2020

and W.M.P. (MD) Nos.13063, 13064 & 13066 of 2020

WEB COPY

K.Janaki

... Petitioner

-vs-

1.The Principal Accountant General
(A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 18.

2.The District Educational Officer,
Lalgudi & Post,
Trichy District.

3.Block Educational Officer - 2,
Manachanallur & Post,
Trichy District.

4.The Secretary,
Kumaran Aided Elementary School,
Inam Samayapuram,
Trichy District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in the impugned order P22/2/12223471/ADK/329, dated 07.07.2020, passed by the 1st respondent and quash the same and direct the respondents to entertain the petitioner's pension proposal by correcting the date of entry into service as 19.03.2003 and grant the pension and all other terminal service benefits available to the petitioner as a retired Secondary Grade Teacher.

For Petitioner : Mr.C.Dhanaseelan

For R1 : Mr.P.Gunasekaran

For RR2 & 3 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

For R4 : No appearance

O R D E R

The order of rejection rejecting the claim of the writ petitioner to include her name under the Old Tamil Nadu Pension Scheme is under challenge in the present writ petition.



2. The petitioner states that she was appointed at Secondary Grade Teacher in the 4th respondent Aided Elementary School and the petitioner retired from service on 31.03.2020.

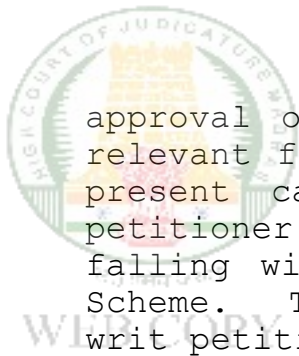
3. The grievance of the petitioner is that she was appointed as Secondary Grade Teacher in the 4th respondent School on 19.03.2003 and the said date was not taken into consideration for the purpose of extending the benefit of Old Tamil Nadu Pension Scheme to the writ petitioner.

4. The learned Additional Government Pleader and the learned counsel appearing for the Accountant General of Tamil Nadu solicited the attention of this Court with reference to the combined application form submitted by the petitioner for General Provident Fund Final Closure and Pension. The said application is signed by the writ petitioner herself and it was endorsed by the Block Educational Officer, Manachanallur and the Secretary of the 4th respondent-Aided School. As per the said form, the date of joining of the petitioner in the post of Secondary Grade Teacher is 10.01.2004 and the date of retirement is 31.03.2020. Relying on the said form, the learned Additional Government Pleader made a submission that the petitioner is eligible only for the New Pension Scheme, that is, Contributory Pension Scheme, as the cut off date is 01.04.2003.

5. This apart, the learned Additional Government Pleader made a submission that the appointment of the writ petitioner was approved by the competent educational authorities on 10.01.2004, which is also made clear in the counter filed by the 2nd respondent in para 4, which reads as under:-

"4. It is submitted that the petitioner is said to have been appointed in the post of Secondary grade teacher on 19.03.2003 in the 4th respondent school. She completed the one month child psychology training on 09.01.2004 and her services were regularised with effect from 10.01.2004. It is pertinent to submit that the appointment itself is valid only from the date of completion of child psychology training. Hence the petitioner can claim no service benefits from the date of so called initial appointment as it is not valid in the eye of law."

6. When the appointment of the writ petitioner was approved on 10.01.2004 and the petitioner has also failed to produce such approval of appointment order and further stated in the application filed by her for General Provident Fund Final Closure and Pension that she was appointed as Secondary Grade Teacher on 10.01.2004, there is no reason to rely on the date of appointment as per the statement of the Correspondent of the school, which has no sanctity. The date of appointment by the school is immaterial and the date of



approval of appointment by the competent educational authority is relevant for the purpose of deciding the pension scheme and in the present case, the approval of appointment was granted to the petitioner by the authorities on 10.01.2004 and therefore, she is falling within the new pension scheme, viz., Contributory Pension Scheme. Therefore, the relief as such sought for in the present writ petition to grant the Old Pension Scheme is untenable and there is no infirmity as such in the order impugned passed and the writ petition is liable to be rejected.

7. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Abr

To

1.The Principal Accountant General
(A & E) Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 18.

2.The District Educational Officer,
Lalgudi & Post,
Trichy District.

3.Block Educational Officer - 2,
Manachanallur & Post,
Trichy District.

4.The Secretary,
Kumaran Aided Elementary School,
Inam Samayapuram,
Trichy District.

+1 CC to M/s.C.DHANASEELAN, Advocate (SR-22645[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23217[F] dated 02/05/2022)

W.P. (MD) No.15560 of 2020

28.04.2022

_RD(23.05.2022) 3P 7C

<https://hcservices.ecourts.gov.in/hcservices/>