



W.P.(MD).No.19153 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.01.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.19153 of 2014

G.Swaminathan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Tamil Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director of Tamil Development Department,
Egmore,
Chennai – 600 008.

3.The Registrar,
Tamil University,
Thanjavur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.A2/1924/2013 dated 28.02.2014 and to quash the same and consequently directing the respondents to grant minimum pension with arrears to the petitioner, within a time frame to be fixed by this Court.



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For Petitioner : Mr.G.Sankaran
For R-1 and R-2 : Mr.N.Muthu Vijayan,
Special Government Pleader.
For R-3 : No Appearance

ORDER

This Writ Petition is filed to quash the order dated 28.02.2014 with a consequential relief to grant minimum pension with arrears.

2. The petitioner is a Tamil Pandit and has served for the cause of Tamil. He was the teacher of Mahakavi Subramaniya Bharathi and he was conferred with the title “தமிழ் தாழை பயின்ற தமிழ் பேராசிரியர்” and he was instrumental for starting Karanthai Tamil Sangam and subsequently, the Sangam was brought under control by the Tamil Nadu Government. The admitted facts are that the petitioner served in the third respondent University from 01.12.1988 to 30.06.1997. After calculating the pensionable service, it comes to 8 years 7 months. Since the petitioner has not reached the qualifying 10 years of service, the petitioner is not entitled to pensionable benefits. However, the claim of the



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petitioner is that if the petitioner's service is taken from 03.08.1972 to 11.06.1975 in AVVM Government College, Thanjavur District and if 50% of the said service is taken into consideration, the petitioner would have 10 years of service. The petitioner is seeking only minimum pension. However, the third respondent has rejected the claim of the petitioner. In the earlier round of litigation, this Court vide order dated 29.11.2013 in W.P.No.32735 of 2013 had disposed of the Writ Petition by directing the third respondent to consider and pass orders. The relevant portion of the order is extracted hereunder:

“4. It is seen from the affidavit filed in support of the writ petition that the petitioner is a reputed scholar and he had served Tamil Department in various colleges and his contribution to Tamil Language, while working as Research Assistant in Thanjavur University is also commendable. It is needless to state that a Tamil Scholar, who has got Tamil Vidwan and Bachelor of Oriental Language as well as two Post Graduate Degrees to his credit, deserves to be honoured and it is the policy of the State Government. Therefore, the third respondent should take into consideration all these aspects while deciding the petitioner's claim as per his representation dated 01.09.2013 and pass appropriate orders, within a period of 12 weeks from the date of receipt of a copy of this order”

3. It is submitted by the learned counsel appearing for the petitioner that pending writ petition, the petitioner died in the year 2022. If the amount is granted, the family of the petitioner who are in distress would utilize the said



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amount. This Court is of the considered opinion that since the petitioner has served for the cause of Tamil who is instrumentality to start Karanthai Tamil, ought to be respected and granted due respect with monetary benefits as well. Therefore, the first respondent is the appropriate authority to appreciate the petitioner's contribution to the Tamil.

4. Therefore, this Court is directing the third respondent to submit the pension papers to the first respondent. The first respondent shall consider the service rendered by the petitioner in AVVM College and thereafter grant pensionable benefits to the petitioner's legal heirs. The first respondent shall consider the petitioner's case sympathetically by taking into consideration the service rendered by the petitioner to the Tamil language. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. It is made clear that this order shall not be cited as precedent, since this order is passed based on the unique facts and circumstances of the case.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

05.01.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Tamil Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of Tamil Development Department,
Egmore,
Chennai – 600 008.
- 3.The Registrar,
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S.SRIMATHY, J.

Nsr

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