



W.P.(MD).Nos.5450 and 5451 of 2016

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).Nos.5450 and 5451 of 2016

W.P.(MD).No.5450 of 2016:

K.Rethinabai

... Petitioner

Vs.

1.The Principal Secretary to Government,
Finance Department (Pension),
Secretariat,
Chennai – 9.

2.The Director of Pensions
Pensions Directorate,
259, Annasalai, 3rd Block,
2nd Floor, D.M.S.Campus,
Thenampet, Chennai – 6.

... 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 pertaining the order passed by the first respondent herein passed in Letter No.18224/Finance/PGC/2015-2 dated 21.12.2015 and quash the same as illegal and to direct the respondents to pay the petitioner the revised pension as



W.P.(MD).Nos.5450 and 5451 of 2016

per VIth pay commission order in G.O.Ms.No.235 dated 01.06.2009 which is effected from 01.01.2006 with accrued arrears from the eligible date to till date.

W.P.(MD).No.5451 of 2016:

K.K.Rajeswari

... Petitioner

Vs.

1.The Principal Secretary to Government,
Finance Department (Pension),
Secretariat,
Chennai – 9.

2.The Director of Pensions
Pensions Directorate,
259, Annasalai, 3rd Block,
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... 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 pertaining the order passed by the first respondent herein passed in Letter No.18223/Finance/PGC/2015 dated 21.12.2015 and quash the same as illegal and to direct the respondents to pay the petitioner the revised pension as per VIth pay commission order in G.O.Ms.No.235 dated 01.06.2009 which is effected from 01.01.2006 with accrued arrears from the eligible date to till date.



W.P.(MD).Nos.5450 and 5451 of 2016

(In Both Writ Petitions):

For Petitioner : M/s.J.BalaMeenakshi

For Respondents : Mr.N.MuthuVijayan,
Special Government Pleader.

COMMON ORDER

The Writ Petitions have been filed to quash the order dated 21.12.2015 and to direct the respondents to re-fix the salary and pension as per G.O.Ms.No. 235 dated 01.06.2009, VI pay commission order, which is effected from 01.01.2006 with accrued arrears from the eligible date to till date.

2. The contention of the petitioners is that they had retired from service on attaining superannuation on 31.12.2005. Since the petitioners were serving in the School Education Department, the employer had granted re-employment and allowed the petitioners to continue in service until 31.05.2006. Since the petitioners had continued in the service during the re-employment period, the petitioners are seeking to grant the benefits of G.O.Ms.No.235 dated 01.06.2009. The said G.O. has granted benefits with effect from 01.01.2006,



W.P.(MD).Nos.5450 and 5451 of 2016

but the petitioner's regular employment ended on 31.12.2005. The petitioners had misunderstood the concept of re-employment service. During the re-employment service, the teachers are entitled to salary only and not for other benefits, the terminal benefits would be calculated for the regular service only. In other words, the respondents would pay the terminal benefits dehors re-employment. Therefore, the petitioners are not entitled to 6th pay commission benefits and therefore, this Court is not inclined to entertain the Writ Petitions.

3. Hence, the Writ Petitions are dismissed. There shall be no order as to costs.

01.03.2023

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



W.P.(MD).Nos.5450 and 5451 of 2016

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W.P.(MD).Nos.5450 and 5451 of 2016

S.SRIMATHY, J.

Nsr

W.P.(MD).Nos.5450 and 5451 of 2016

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