



W.P.No.794 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.794 of 2020
and WMP No.957 of 2020

S.S.Haja Mohideen

... Petitioner

VS.

1. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 9.

2. The Director of School Education,
DPI Complex,
College Road,
Chennai.

3. The District Education Officer,
Tenkasi,
Tirunelveli District.

4. The Principal Accountant General of Tamil Nadu,
Teynampet, Anna Salai,
Chennai.

5. The Correspondent,
Masood Thaika Higher Secondary School,
Kadayanallur,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant tot he 1st impugned order issued by the 4th respondent in proceedings No. P25/ 2/ 12513644/ ADK dated 22.08.2016 and the 2nd impugned order issued by the 4th respondent in proceedings No. P25/ 4/ 12516579/ ADK dated 22.03. 2018 and quash these orders and consequently direct the respondent to sanction and pay pension and all other pensionary benefits to the petitioner under the Tamil Nadu Pension Rules 1978 with effect from 30.04.2015 with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

The writ petition has been filed challenging the orders dated 22.08.2016 and 22.03.2018 passed by the 4th respondent.

2. The petitioner was working as a Weaving Instructor (Craft Teacher) in the 5th respondent school. The 5th respondent is a minority institution and was granted, grant-in-aid to meet out the salary and other expenses. Subsequently, the grant-in-aid was stopped and as such the 5th respondent filed a writ petition before this Court, pursuant to which, sanction was accorded for creation of temporary posts of Headmaster,



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B.T.Assistant, Tamil Pandit, P.E.T., Drawing Master, Weaving Instructor,
Record Clerk, Watchman and Sweeper.

3. Therefore, in accordance with the order in G.O.Ms.No.84, Education (D1) Department, dated 20.01.1987, the petitioner was paid the salary by the Government from 01.06.1981 to 19.06.1985 and from 09.06.1987 to 31.08.1992. However, from 01.09.1992 to 30.04.2015, the petitioner was paid salary by the management. While he was in service, on 19.06.1985, the petitioner resigned from service and joined in the same post on 09.03.1987. Thereafter, due to his attaining the age of superannuation, he retired from service on 30.04.2015.

4. The 3rd respondent forwarded the pension proposal of the petitioner to the 4th respondent. However, the proposal was returned by the 4th respondent vide order dated 22.08.2016, for the reason that the petitioner is not entitled for pension under Voluntary Retirement Scheme and the petitioner has neither rendered 20 years of service nor completed 15 years of service as on 31.08.1982, which are mandatory requirements under the Tamil Nadu Pension Rules, 1978 under the Voluntary Retirement category, as contemplated under Rule 56(a) of the Fundamental Rules.



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5. Once again, the pension proposal was submitted to the 4th respondent through the 3rd respondent. However, it was also rejected by the 4th respondent vide order dated 22.03.2018, on the ground that the petitioner has rendered only five years of service, after his reappointment, subsequent to his resignation i.e., from 09.03.1987 to 31.08.1992. This Court finds no infirmity or illegality in the orders passed by the 4th respondent. Hence, the writ petition is devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

06.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

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