WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **01.10.2024**

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.6059 of 2020

P. Kasthuri ... Petitioner

Vs.

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
Finance (Pension) Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Secretary to Government,
Elementary School Education Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

4. The Accountant - General (A & E),
Tamil Nadu,
Anna Salai, Teynampet,
Chennai - 600 018.

https://www.mhc.tn.gov.in/judis

WEB COPY

5. The Director of School Education,
Teynampet,
Chennai - 600 018.

6. The District Educational Officer,
Chennai East,
Chennai - 600 094.
(Impleaded as per order of this Hon'ble Court)

7. The Head-Mistress,
Government Girls Middle School,
Egmore, Chennai - 600 008. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first and second respondents to extend the full pension benefits contained in G.O. (Ms) No.196, Personnel and Administrative Reforms (FR III) Department; dated 27.10.2006 and consequent in G.O. (Ms) No.197, Personnel and Administrative Reforms (FR IV) Department; dated 24.10.2008 to the petitioner also as was already in force previously in G.O. Ms.No.228, Finance (Pension) Department dated 08.02.1971 and also direct the other respondents to grant same benefits given to the Government servants retiring voluntary to the Government servant including the petitioner herein retiring on superannuation.

For Petitioner : Mr.V.Raghupathi

For Respondents : Mr.S.Arumugam
Government Advocate

ORDER

https://www.mhc.tn.gov.in/judis

WEB COPY

This writ petition has been filed for direction, directing the respondent Nos.1 and 2 to extend full pension benefits contained in G.O. (Ms) No.196, Personnel and Administrative Reforms (FR III) Department; dated 27.10.2006 and consequent in G.O. (Ms) No.197, Personnel and Administrative Reforms (FR IV) Department; dated 24.10.2008

2. The petitioner had joined as Sewing Mistress on 31.07.1982 in Government High School, Porur. Thereafter, she was promoted to the post of Tamil Pandit in Government Girls Higher Secondary School, Choolaimedu, Chennai. The petitioner retired from service due to superannuation on 31.12.2008. Thereby, she had put service of 26 years, 5 months and 1 day.

3. The case of the petitioner is that she was not granted full pension and she was granted only proportionate pension. Further, similarly placed persons were granted full pension. However, the petitioner was not paid full pension. After putting service of 25 years, the petitioner is entitled for full pension as per G.O. (Ms) No.196, Personnel and Administrative Reforms (FR III) Department; dated 27.10.2006.

https://www.mhc.tn.gov.in/judis

WEB COPY

4. On perusal of the counter filed by the respondent No.2 and also on the submissions made by the learned Government Advocate, it is revealed that as per provisions of Rule 42 (2) (a) of the Tamil Nadu Pension Rules, 1978, a Government Servant including a Government Servant in the Tamil Nadu Basic Service retiring voluntarily after 20 years service or 50 years of age under Sub-rule (3) of Rule 56 of the Fundamental Rules shall be entitled to a retiring pension which shall be calculated after having weightage upto 5 years in addition to the qualifying service rendered by the employee subject to the condition that the total qualifying service rendered by such Government servant, including the weightage does not, in any case, exceed 30 years of qualifying service and it does not take a Government employee beyond the date of superannuation, as the case may be. In so far as the petitioner is concerned, she had retired on completion of her 58 years and as per Rule 42 of Tamil Nadu Pension Rules, 1978, no weightage is available to the petitioner. Therefore, the G.Os as referred by the petitioner are not applicable to the petitioner's case. Hence, the relief sought for by the writ petitioner has been cancelled.

5. Accordingly, this writ petition is dismissed. There shall be no

https://www.mhc.tn.gov.in/judis

WEB COPY

orders as to costs.

01.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

1. The Secretary to Government,
Personnel and Administrative Reforms Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Secretary to Government,
Finance (Pension) Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

3. The Secretary to Government,
Elementary School Education Department,
Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai - 600 009.

4. The Accountant - General (A & E),
Tamil Nadu,
Anna Salai, Teynampet,
Chennai - 600 018.

5. The Director of School Education,
Teynampet,
Chennai - 600 018.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. The District Educational Officer,
Chennai East,
Chennai - 600 094.
(Impleaded as per order of this Hon'ble Court)

7. The Head-Mistress,
Government Girls Middle School,
Egmore, Chennai - 600 008.

https://www.mhc.tn.gov.in/judis

WEB COPY

G.K. ILANTHIRAIYAN. J.,

ab

W.P.No.6059 of 2020

01.10.2024
(1/2)

https://www.mhc.tn.gov.in/judis