



WEB COPY



W.P.No.26333 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2024

CORAM:

THE HONOURABLE JUSTICE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.26333 of 2015

A.Rajendran

... Petitioner

Vs.

1. The Commissioner,
Coimbatore Corporation,
Coimbatore.
2. The Educational Officer,
Corporation of Coimbatore,
Coimbatore.
3. The Headmaster,
The Corporation Boys Hr. Sec. School,
R.S.Puram,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of certiorarified Mandamus, to call for the entire records connected with the proceedings of the second respondent in Mu.Mu.No.--/2015/K-6 dated 07.08.2015 and quash the same consequently, direct the respondents to consider the request of the petitioner to provide pension and provident fund in the light of G.O.Ms.No.1015/Edu.Dept., dated 05.06.1981 and G.O.Ms.No.37 dated 05.01.1983 issued by the Commissioner and Secretary to Government, Department of Education Science and Technology.



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For Petitioner : M/s.K.Thilageswaran

For Respondents : Mr.K.Magesh for R1 to R3

ORDER

This Writ Petition is filed seeking issuance of certiorarified Mandamus, to call for the entire records connected with the proceedings of the second respondent in Mu.Mu.No.--/2015/K-6 dated 07.08.2015 and quash the same consequently, direct the respondents to consider the request of the petitioner to provide pension and provident fund in the light of G.O.Ms.No.1015/Edu.Dept., dated 05.06.1981 and G.O.Ms.No.37 dated 05.01.1983 issued by the Commissioner and Secretary to Government, Department of Education Science and Technology.

2. The petitioner was appointed as Record Clerk on 02.04.1990 by the first respondent and after completion of thirteen years of service, he resigned from service on 27.10.2003. He has made a representation to the respondent to provide him pension as per G.O.Ms.No.1015/Edu.Dept. Dated 05.06.1981 and G.O.Ms.No.37 dated 05.01.1983 issued by the Commissioner and Secretary to Government, Department of Education Science and Technology. But the said representation was rejected by the



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second respondent by the impugned order dated 07.08.2015. Aggrieved by

the same, the petitioner has preferred this Writ Petition.

3. Learned counsel for the first respondent has filed the counter affidavit and submitted that the petitioner resigned his job on 02.04.1990 on which provident fund benefits have been settled. The petitioner after a lapse of more 10 years petitioner has sent a representation requesting to consider for pension as per G.O.Ms.No.1015 Education Department dated 05.06.1981 and as per G.O.Ms.No.37 Department of Education, Science and Technology, dated 05.01.1983. It is submitted by the learned counsel for the respondent that the above said G.Os are applicable only to the persons retired before implementation of Tamil Nadu Pension Rules 1978 and the petitioner has joined service on 02.04.1990 and resigned from service on 27.10.2003 and as per Tamil Nadu Pension Rules 1978, petitioner is not entitled for pension since he has not completed qualifying service for pension.

4. Heard both sides and perused the records.

5. On account of resignation of petitioner from service on 27.10.2003,



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his past 13 years of service is deemed to have been forfeited. Once the past service of the petitioner is forfeited, the petitioner cannot ask the respondent to calculate the 13 years of service for granting pension. The petitioner has made a request to provide pension by quoting G.O.Ms.No.1015 Education Department dated 05.06.1981 and as per G.O.Ms.No.37 Department of Education, Science and Technology, dated 05.01.1983 and both the G.Os are not connected to the facts of this case. The G.Os referred above are applicable to the persons who retired from service prior implementation of the Tamil Nadu Pension Rules, 1978, hence, the petitioner cannot seek for the relief by quoting those G.Os,. Above all, the petitioner who resigned his job on 27.10.2003, has approached the authority after a lapse of 12 years seeking pension, therefore, on the ground of delay and laches on the part of petitioner, the petitioner is not entitled for the relief as sought for in this Writ Petition.

6. In view of the view of the above, this Writ Petition is dismissed. No costs.

15.03.2024

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Index:Yes/No



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Speaking Order: Yes/No

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Dr.D. NAGARJUN, J.

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