



WEB COPY



W.P.No.4848 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.4848 of 2020

K. Ethumalai

... Petitioner

Vs.

The Government of Tamilnadu,
rep. by Principal Secretary to Government,
Home (Courts) Department,
Secretariat,
Chennai – 600 009.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India in the nature of Writ of Mandamus, directing the respondent to pass appropriate orders, on the claim of the petitioner to invoke Rule 82 of the Tamilnadu Pension Rules in his case, with regard to the stipulation of 10 years of qualifying service for pension.

For Petitioner
For Respondent

: Mr.M.Ravi
: Mr.P.Ananda Kumar
Government Advocate



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ORDER

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(Order of this Court delivered by S.M.SUBRAMANIAM,J.)

The relief sought for in the present writ petition is to direct the respondent to pass appropriate orders, on the claim of the petitioner to invoke Rule 82 of the Tamilnadu Pension Rules in his case, with regard to the stipulation of 10 years of qualifying service for pension.

2. The petitioner was initially engaged as NMR employee in the Public Works Department. Subsequently, appointed as Bailiff in the Judicial Department on 03.11.1997. The petitioner was permitted to retire from services on 30.09.2006, on attaining the age of superannuation. Admittedly, the petitioner has completed 9 years of service and not rendered 10 years of qualifying services as contemplated under the Tamil Nadu Pension Rules, 1978. Thus, the petitioner made a representation to grant relaxation under Rule 82 of the Tamil Nadu Pension Rules. Since it was not considered, the present writ petition came to be instituted to direct the respondents to invoke Section 82 of the Pension Rules and relax the minimum qualifying services of 10 years for the purpose of sanctioning pension to the petitioner.



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3. Grant of relaxation is an exception and cannot be followed by Rule. Relaxations are to be granted only on exceptional circumstances, where there is a gross injustice. Mechanical approach in the matter of relaxation of Rules are impermissible. When the Rule contemplates 10 years of minimum qualifying service for grant of pension, such minimum qualifying services cannot be relaxed by exercising the power of Judicial Review under Article 226 of the Constitution of India nor a direction can be issued to the Authorities to relax the Rules. Even the Authorities Competent are expected to exercise restraint in granting relaxation in such matters, where the minimum qualifying services are contemplated under the Rules for sanctioning pension.

4. Thus, the petitioner cannot claim relaxation of Rule relating to minimum qualifying services as a matter of right. Therefore, the Writ Petition is not entertainable and stands dismissed. No costs.

[S.M.S.J.] [K.R.S.J.]
29.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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The Principal Secretary to Government
The Government of Tamilnadu,
Home (Courts) Department,
Secretariat,
Chennai – 600 009.



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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

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