



W.P.(MD) No.18413 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.18413 of 2020

Rajan

... Petitioner

Vs.

- 1.The Principal Secretary to Union of India,
Department of School Education & Literacy,
Ministry of Human Resources Development,
Government of India,
Shastribhavan, New Delhi-110 001.
- 2.The Principal Secretary to Government of Tamil Nadu,
Department of Higher Education,
Secretariat,
St. George Fort, Chennai.
- 3.The Secretary,
Department of School Education,
Secretariat,
St. George Fort, Chennai.
- 4.The Chairman of State Resource Centre and
Director of Non -Formal/Adult Education,
College Road, DPI Campus,
Chennai-600 006.



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5.The Registrar,
Alagappa University,
Karaikudi,
Sivagangai District-630 003.

6.The Secretary,
University Grants Commission,
New Delhi-110 002.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in Na.Ka.No. 1070/A1/2019 dated 14.02.2020 and quash the same as illegal and arbitrary and inconsequence thereof direct the respondents to take into consideration the service of the petitioner rendered in the State Resource Centre from 02.05.1983 to 03.03.2013 for pensionary benefits.

For Petitioner	:	Mr.P.Ganapathi Subramanian
For R1	:	Mr.S.Sivakumar Central Govt. Standing Counsel
For RR2 to 4	:	Mr.V.Om Prakash Government Advocate
For R5	:	Mr.T.Cibi Chakraborty



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ORDER

The petitioner herein was initially appointed as Research Assistant in the State Research Centre for Adult and Non-Formal Education, Chennai on 02.05.1983. Thereafter, he was promoted as Associate Coordinator in the year 1986 and further promoted as Programme Coordinator in the year 1989 and again as Director in the year 2006. According to the petitioner, the said post of Director in the State Research Centre is equivalent to the post of Joint Director in the School Education Department. While working as such in the said Organisation, in response to a notification issued by the 5th respondent-University, the petitioner has made an application for the post of Associate Professor in the Department of Life Long Learning and accordingly, he was selected and appointed as Associate Professor on 02.03.2013 and after rendering about five years of service, the petitioner retired from service on attaining the age of superannuation on 30.06.2018. Thereafter, the petitioner approached the respondents claiming that he is entitled for counting of his service rendered in the State Research Centre prior to his appointment as



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Associate Professor in the 5th respondent-University and complaining non-consideration of his representation, approached this Court by filing W.P.(MD) No.22754 of 2019 and the said writ petition was disposed of by order dated 25.10.2019 directing consideration of the claim of the petitioner. Thereafter, on considering the claim of the petitioner, Respondent No.4 herein passed the impugned order dated 14.02.2020, rejecting the claim of the petitioner on the ground that the question of considering the services rendered by the petitioner in the State Research Centre for Adult and Continuing Education cannot be considered, as the said State Research Centre is a Non-Governmental Organisation and the service rendered by the petitioner in the said Organisation is purely on contractual basis and he himself got enrolled in the Employees Provident Fund Scheme on 16.11.1995 and consequent upon the petitioner being appointed as Associate Professor in the 5th respondent-University, the petitioner was being paid monthly pension of Rs.1,600/- in terms of the Employees Provident Fund Scheme for which he made contribution for the service rendered by him in the said Organisation. Aggrieved by the said order, the petitioner approached this Court by filing the present writ petition.



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2. There is no dispute that the entire service rendered by the petitioner prior to his appointment as Associate Professor in the 5th respondent-University is purely on contractual basis and in a Non-Governmental Organisation. No doubt, certain funds were provided by the State and Central Governments for rendering service in the said Organisation, but that does not make the said Organisation as a Government Organisation. Hence, the question of counting the services of the petitioner in a private organisation for the purpose of payment of pension by Respondent No.5 does not arise.

3. Further, the petitioner, having been appointed as Associate Professor in the 5th respondent-University, once again opted for Contributory Pension Scheme and accordingly, made his contributions and on his retirement on attaining the age of superannuation in the year 2018, the 5th respondent-University also stated to have paid him the amounts that are payable to him in terms of the Contributory Pension Scheme. Thus, the petitioner having received the benefit of the Employees Provident Fund Scheme, for the services rendered by him in the Non-Governmental



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Organisation till the year 2013, and thereafter, under Contributory Pension Scheme for the services rendered by him in the 5th respondent-University, he can, under no circumstances, be entitled to claim for counting of service rendered by him in a Non-Governmental Organisation. The petitioner failed to make any case for grant of relief sought in the writ petition.

4. In the light of the above, this Court does not find any error or illegality in the order passed by Respondent No.4 and accordingly, this Writ Petition is dismissed. No costs.

27.02.2024

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

ABR



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MUMMINENI SUDHEER KUMAR, J.

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