



W.A.(MD) No.78 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A.(MD) No.78 of 2020

D.Kanagaraj

... Appellant/
Petitioner

Vs.

- 1.The Secretary to Government,
Education Department,
Fort St. George, Chennai-600 009.
- 2.The Principal Accountant General,
(Accounts and Entitlement),
Chennai-600 006.
- 3.The Director of School Education,
Chennai-600 006.
- 4.The Chief Educational Officer,
Kanyakumari District, Nagercoil-629 001.



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5.The District Educational Officer,
Kanyakumari District,
Nagercoil-629 001.

6.The Superintending Engineer,
Tamil Nadu Highways Department,
Chennai Circle, Chepauk,
Chennai-600 006.

... Respondents/
Respondents

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 02.07.2019 made in W.P.(MD) No.6106 of 2013 on the file of this Court.

For Appellant	:	Mr.N.Mohamed Asif
For RR1 & 3 to 6	:	Mr.D.Sadiq Raja Additional Government Pleader
For R2	:	Mr.P.Gunasekaran

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This appeal is directed against an order of a learned Single Judge in W.P.
(MD) No.6106 of 2013, dated 02.07.2019.



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2. The issue involved in this case is whether the period of service which the appellant had served in the State Highways Department between 30.11.1961 and 11.06.1967 can be reckoned for computing the period for which he might be entitled to pension.

3. The facts, which are not in controversy are that: Between 30.11.1961 and 11.06.1967, the appellant was working in the State Highways Department and he was relieved from service following his resignation from his service. Thereafter, he had joined the School Education Department as an Assistant on 01.09.1967 and retired as a Headmaster of an Aided School on 28.02.1991. And in 2013, he has approached this Court with a prayer that the period during which he had served in the Highways Department may also be included with the period of his service in the School Education Department for calculating his pension.

4. The resistance offered by the Government is on the ground that prior to Tamil Nadu Pension Rules, 1978, there was in force Madras Pension Code and in terms of Article 418(a), any Government servant who voluntarily



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resigned from his service would forfeit all his past services. Therefore, this appellant is not entitled to have the period which he served in the Highways Department added to his service in the School Education Department. He also added that the writ petition itself was filed some 22 years after his retirement and there is considerable laches on the part of the appellant.

5. This Court finds considerable merit in the submissions of the learned Additional Government Pleader and it also perused the order of the learned Single Judge and finds the same equally convincing.

6. To end, there is no merit in the Writ Appeal and the same is dismissed, accordingly. No costs.

(N.S.S., J.) (P.V.M., J.)
01 .07.2024

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

ABR



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