



W.A.(MD).No.1310 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.02.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**
and
THE HONOURABLE **MR.JUSTICE K.K.RAMAKRISHNAN**

W.A.(MD).No.1310 of 2016
and
C.M.P.(MD).No.9195 of 2016

P.Sivasubramanian

... Appellant

Vs.

- 1.The Accountant General (A & E),
Office of the Accountant General,
No.361, Anna Salai,
Chennai – 18.
- 2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.
- 3.The Director of School Education,
College Road,
Chennai 600 006.
- 4.The Chief Educational Officer,
Tuticorin District,
Tuticorin -3.
- 5.The District Educational Officer,
Tuticorin District,
Tuticorin -3.



W.A.(MD).No.1310 of 2016

6.The Director,
Pension Payment Directorate,
No.259, Annasalai,
Block -3, II Floor,
DMS Compound,
Teynampet,
Chennai -6.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD).No.262 of 2015, dated 10.06.2016.

For Appellant : Mr.T.Selvan
For R2 to R6 : Mr.D.Sadiq Raja
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This Writ Appeal has been filed challenging the order passed by this Court in W.P.(MD).No.262 of 2015, dated 10.06.2016, wherein the petitioner has sought for a direction to the respondents to pay arrears of pension from 01.11.1985 to till date with interest and subsequent monthly pension besides gratuity payable to the petitioner.



W.A.(MD).No.1310 of 2016

WEB COPY

2. According to the appellant/writ petitioner, he joined as a Junior Assistant in Kamaraj High School, Nalumavadi, Tuticorin District on 27.06.1967 and received the permanent scale from 27.06.1968. While he was continuously working, on completion of 18 ½ years, due to his family problem, he had resigned the service of the said School on 01.11.1985. However, after tendering his resignation from service with effect from 01.11.1985, he has not been paid with any pension. He is entitled for pension as per G.O.(Ms.)No.37, School Education dated 05.01.1983 as well as the order passed by the Division Bench of this Court in S.V.Paul Jeyaraj case. The Division Bench of this Court made it clear that the Teacher, who resigned the job even after the crucial date, can be sanctioned pension by the respective authorities without any specific orders from the higher authorities. Further, the appellant worked as a Junior Assistant for more than 10 years and he is entitled for pension as per Rule 12(a) of the Tamil Nadu Pension Rules. The delay in applying for pension is not applicable to the appellant's case, since the Government is duty bound to enforce the Rules and Government Orders regarding pension to the employees. Hence, he prayed for allowing of this writ appeal.



W.A.(MD).No.1310 of 2016

WEB COPY

3. The learned Additional Government Pleader appearing for the respondents 2 to 6 would submit that the learned single Judge of this Court dealt with the matter in detail and come to the conclusion that the appellant/writ petitioner has approached this Court with huge and unexplained delay of 29 years and dismissed the writ petition. Hence, the appellant/petitioner is not entitled for pension.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 2 to 6 and perused the materials available on record.

5. On perusal of the impugned order, it is seen that the appellant/writ petitioner was joined as Junior Assistant in Kamaraj High School, Nalumavadi, Tuticorin District on 27.06.1967 and received the permanent scale from 27.06.1968. Thereafter, due to his family problem, he had resigned from service 01.11.1985. After lapse of 29 years, he has given a representation to the respondents on 14.11.2014, requesting them to process his pension proposal and provide him pension and gratuity at an early date. Since the said representation has not been considered, the appellant has approached this Court



W.A.(MD).No.1310 of 2016

seeking direction to the respondents to pay arrears of pension from 01.11.1985 to till date with interest and subsequent monthly pension besides gratuity due and payable to him. The learned single Judge of this Court relying upon another order passed by him in the case of K.Kolappa Pillai vs. Secretary to Government of Tamil Nadu, Education Department and others in W.P.(MD).No. 4101 of 2011, dated 07.11.2012, rightly dismissed the writ petition on the ground that the petitioner has approached this Court with huge and unexplained delay of 29 years. Hence, there is no merit in the appeal filed by the writ petitioner and he is not entitled for pension.

6. In the result, this Writ Appeal is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[V.B.S.,J.] & [K.K.R.K.,J.]
21.02.2024

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

akv



W.A.(MD).No.1310 of 2016

WEB COPY

- 1.The Accountant General (A & E),
Office of the Accountant General,
No.361, Anna Salai,
Chennai – 18.
- 2.The Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.
- 3.The Director of School Education,
College Road,
Chennai 600 006.
- 4.The Chief Educational Officer,
Tuticorin District,
Tuticorin -3.
- 5.The District Educational Officer,
Tuticorin District,
Tuticorin -3.
- 6.The Director,
Pension Payment Directorate,
No.259, Annasalai,
Block -3, II Floor,
DMS Compound,
Teynampet,
Chennai -6.



WEB COPY



W.A.(MD).No.1310 of 2016

V.BHAVANI SUBBAROYAN,J.
and
K.K.RAMAKRISHNAN,J.

akv

W.A.(MD).No.1310 of 2016

21.02.2024