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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-11-2025

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THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 10378 of 2025

and

WMP No.11674 of 2025

R.Ananthi

Petitioner(s)

Vs

1. The Principal Secretary to the Government,
School Education Department,
Fort St., George, Chennai 600 009.

2.The Secretary to Government,
Finance (Pension) Department,
Fort. St. George, Chennai – 600 009.

3.The Accountant General,
DMS Campus, Tenynampet,
Chennai – 600 018.

4.The Director
Central Silk Board, Madiwala,
Hosur Road, Bangalore 560 068.

5.The Director of School Education,
College Road, Nungambakkam,
Chennai 600 006.

6.The Chief Educational Officer
Office of Chief Educational Officer,
Tirupathur, Tirupathur District.

7.The District Educational Officer,
Office of the District Educational Officer,
Tirupathur, Tirupathur District.

8.The Head Master
IVN, Government Boys Higher Secondary School,



Kejalnaickan Patti, Tirupathur,
Tirupathur District.

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Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in relates to the impugned rejection order passed by the 1st respondent in letter No. letter No.7507 / pa.ka 3 (2) / 2021-9, dated 08.08.2023 and quash the same, and consequently direct the respondents to transfer the name of the petitioner from contributory pension scheme (CPS) to old pension scheme.

For Petitioner(s): Mr.V. Kasinatha Bharathi

For Respondent(s): Mr.S.Prabhakaran
Government Advocate
for R1, R5, R6 & R7.
Mr.Azizullahkhan
Government Advocate for R2
Mr.Su.Srinivasan for R4

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 08.08.2023, thereby, rejected the request made by the petitioner to consider her earlier service for pensionary benefits.

2.The case of the petitioner is that the petitioner was appointed on 04.01.1991 as Field Assistant in the fourth respondent Silk Board and was working from 04.01.1991 to 19.12.2007. While being so, the petitioner was called for certificate verification for the post of PG Assistant Science, by letter dated 16.06.2007. Therefore, she appeared for the certificate verification on



02.07.2007 and she was selected for the post of PG Assistant (Science). In the meanwhile, the petitioner also duly informed her willingness to the fourth respondent about her selection to the post of PG Assistant. She also sought for permission from the fourth respondent to join in the said post without break in service and continuity of service in the new post in Tamil Nadu Government. Subsequently, she was relieved from the fourth respondent and joined in the post of PG Assistant (Science) on 20.12.2007. Till 19.12.2007, she was in service with the fourth respondent and the fourth respondent issued relieving order on 19.12.2007 along with service certificate cum relieving order to the petitioner. Therefore, the petitioner submitted a request to count her past service rendered under the fourth respondent for her pensionary benefits. However, it was rejected by the first respondent on the ground that the petitioner resigned her job owing to her personal reasons and as such, her past service cannot be taken into account for pensionary benefits.

3.It is seen from the counter affidavit filed by the sixth respondent and the submissions made by the learned Government Advocate that the petitioner resigned her previous job for personal reasons. Therefore, as per Rule 23 of the Tamil Nadu Pension Rules, 1978, her past service cannot be taken into account for pensionary benefits.



4. Rule 23 of the Tamil Nadu Pension Rules, 1978, is extracted hereunder:

23. Forfeiture of service on resignation – (1)

Resignation from a service or post entails forfeiture of past service:

Provided that a resignation shall not entail forfeiture of past service if it has been submitted to take up with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

As per the provision, the resignation, if it is for the purpose of joining another appointment, whether temporary or permanent, under the Government will be deemed to be technical resignation and it will not result in forfeiture of service on resignation.

5. A perusal of the records reveals that the petitioner had duly informed the fourth respondent about her employment in the Education Department. Further, she was relieved from the post of Field Assistant under the fourth respondent on 19.12.2007 and immediately, on 20.12.2007, she had joined in the service of PG Assistant Science. Therefore, there is absolutely no records to show that the petitioner resigned her job for her personal reasons. That apart, by the communication, dated 21.01.2021, the Joint Director, Central Silk Board, recommended the case of the petitioner's service for the purpose of pensionary benefits to the Directorate of Secondary Education, Government of Tamil Nadu.



6. In view of the above, the past service of the petitioner can be taken into account for pensionary benefits. Further, pension by itself is a welfare measure and when it comes to interpretation of the Pension Rules, the Court should always lean in favour of the employees. Hence, the order impugned in this writ petition is liable to be quashed and accordingly, it is quashed. The respondents 1 to 3 are directed to transfer the name of the petitioner from contributory pension scheme (CPS) to old pension scheme within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

27-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

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7/7

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G.K.ILANTHIRAIYAN, J.

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