



W.P.No.34039 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.34039 of 2023

S. Sankaran

.. Petitioner

Versus

1. The Principal Secretary
Department of Finance (Pension)
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009

2. The Principal Secretary
Department of Education,
Government of Tamil Nadu,
Fort St. George,
Chennai – 600 009.

3. The Accountant General (Accountant & Entitlement)
Tamil Nadu
No.341, Teynampet,
Chennai – 600 018.

4. The District Educational Officer,
Cheranmahadevi Office @S.H.Road,
Tirunelveli Town -6
Tirunelveli District.

...Respondents



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Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction and pay pension arrears to the petitioner along with 12 percentage for belated payment for the period from 01.08.1964 to 31.12.2011 within a stipulated time.

For Petitioner : Mr.T.P.Prabhakaran

For Respondents 1,2 &4 : Mr.S. Prabhakaran, GA

For Respondent-3 : Mrs.Hema Murali Krishnan

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus directing the respondents to sanction and pay pension arrears to the petitioner along with 12 percentage for belated payment for the period from 01.08.1964 to 31.12.2011 within a stipulated time.

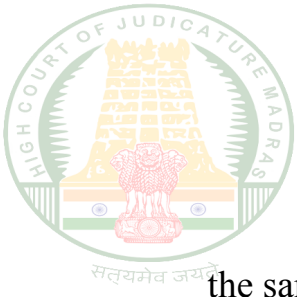
2. The facts of the case is that the petitioner worked as a Weaving Instructor from 16.06.1954 to 01.08.1964 in Hindu Higher Elementary School, Karukurchi. After completing 10 years, one month and 18 days,



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he resigned from that post and his resignation was accepted and he was allowed to retire on 01.08.1964. Thereafter, he was not granted pension and therefore, he applied for pension by making representation to the Director of School Education on 18.12.2003. The Director of School Education by his proceedings dated 05.04.2004 called for pension proposal from the second respondent, who in turn informed the first respondent and the petitioner by his proceedings dated 15.07.2004 and 04.10.2004, directed the School Authorities to send pension proposal through proper channel. Nevertheless, no action has been taken and finally, the impugned order is passed by the first respondent denying the pension to the petitioner on the ground that the petitioner has resigned from the post and as per Rule 12(1) framed for the Tamil Nadu Pension Rules 1978, (for short the Rules) issued in G.O.Ms.No.1109, Education, dated 31.05.1958, a total qualifying service of ten years or more and discharged or retired as per rules and orders, is essential for getting pension and as the petitioner resigned his job, he is not coming within the scope of 12(a) referred to above and rejected the claim of the petitioner. Challenging the same the petitioner filed W.P(MD).No. 7510 of 2010 and



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the same was disposed vide order dated 30.08.2010 with a direction to the first respondent to consider the case of the petitioner for pension within a period of four weeks from the date of receipt of a copy of this order failing which the first respondent has to pay the interest at the rate of 12% from 30.09.2004 i.e the date on which the pension proposal was received in their office. Aggrieved over the same the third respondent filed Writ Appeal in W.A.(MD) No.333 of 2011 before the Madurai Bench of this Court and vide order dated 26.04.2011 directed the appellant to consider the case of the first respondent/writ petitioner and pass orders. Pursuant to which the third respondent authorised payment of pension to the petitioner vide P.P.O.No.R2500520 and communicated the said pension sanction order to the petitioner vide order dated AG (A&E/PEN 25/2/163289 dated 18.01.2012 payable from from 05.06.1981 instead of 01.08.1964. The grievance of the petitioner is that the respondents while arriving the interest for the belated payment have calculated from 05.06.1981 which ought to have calculated from 01.08.1964, i.e from the date of resignation. Hence, the petitioner has given representation to the respondents and there was no progress in the



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said representation. Hence, this petition.

3. The learned counsel for the petitioner submitted that the petitioner is 96 years old and he was made to run from pillar to post to pursue his claim. However, it would be suffice if the respondents consider the representation of the petitioner and pass orders. Hence, prays to allow this petition.

4. The learned Government Advocate has filed a counter affidavit wherein that while rendering the Judgment on 26.04.2011 in the Writ Appeal preferred by the first respondent in W.A.(MD) No.333 of 2011 before the Madurai Bench of this Court they have clearly stated that the claim of the petitioner have been processed as per the G.O.No.37 dated 05.01.1983 and the relevant portion is extracted hereunder:

“ It is therefore clear that a teacher who has resigned even after the crucial dates can be sanctioned pension by the respective authorities competent to sanction pension even without any specific orders from the higher authorities or of the Government condoning the resignation in each individual case. This would clinch the issue in favour of



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the respondent teacher and we find that the learned Judge has also relied on the aforementioned Government Order, G.O.Ms.No.37. This is apart from the fact that even the language of the Government Order dated 05.0.1981 and more particularly of paragraph 6(ii) cannot be interpreted as to oust the teachers who have resigned after the introduction of the Pension Scheme. The provision has to be interpreted as giving concessions even to the persons who have resigned earlier to the institution of the said Pension Scheme. We need not go into aspect because G.O.Ms.No.37 is more than clear. Therefore, we conform the Judgment of the learned Single Judge. We are told that there is a stay in the matter. We direct the Government to finalise the pension of the respondent teacher within three months from today.”

It is further stated that pursuant to which only the letter dated AG (A&E/PEN 25/2/163289 dated 18.01.2012 the petitioner was granted pending pension amount from 05.06.1981 to 31.12.2011. Hence, prays to allow this petition.

5. Heard both sides and perused the materials available on record.



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6. On a perusal of records it is seen that initially the petitioner has approached for pension from 05.06.1981 to 31.12.2011 and the same was granted to him and he was receiving the pension till date without any default. Now the petitioner is taking another stand that payment of pension arrears from 01.08.1964 to 31.12.2011 with 12% interest, which is totally illegal and not maintainable in the eye of law.

7. In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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