



W.A.(MD)No.1670 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1670 of 2025
and
C.M.P.(MD)No.9337 of 2025**

Rajan

... Appellant

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 : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.18413 of 2020 dated 27.02.2024 on the file of this Court.

For Appellant : Ms.N.Kavitha Rameshwar

For Respondents : Mr.V.Maharajan for R1.
Mr.C.Venkateshkumar,
Spl. Government Pleader for R2 to R4.
Mr.T.Cibi Chakraborty for R5.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

The appellant herein moved the fourth respondent for grant of pension by reckoning his service in State Resources Centre from 02.05.1988 till 03.03.2013 and to include the service put in by him in Alagappa University from 04.03.2013 to 30.06.2018. The rejection order dated 14.02.2020 was sustained by the learned Single Judge vide order



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dated 27.02.2024 in W.P.(MD)No.18413 of 2020. Questioning the same,
this writ appeal has been filed.

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2.The learned counsel for the appellant was at pains to point out that the learned Single Judge was wrong in considering the State Resources Centre as a non-government organization. She pointed out that it is being run only by the education department of Government of Tamil Nadu. She also drew our attention to the resolution passed by the Syndicate, University of Madras in the case of a similarly placed individual. She called upon this Court to set aside the order of the learned Single Judge and grant relief as prayed for.

3.Per contra, the learned Special Government Pleader and the learned counsel for the respondents submitted that interference with the order of the learned Single Judge is not warranted and pressed for dismissal of the writ appeal.

4.We carefully considered the rival contentions and went through the materials on record. It is seen that the appellant / Dr.Rajan was



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appointed as Associate Programmer vide communication dated 18.07.1988 issued by the Secretary, Tamil Nadu Board of Continuing Education. He continued to serve the State Resources Centre in various capacities. He became the Director of State Resources Centre, Chennai in the year 2006. He then moved to Alagappa University, Karaikudi in the year 2013. When he was working in Alagappa University, he was under contributory pension scheme. He reached the age of superannuation in the year 2018. The only question that calls for consideration is whether the period of service put in by the appellant in State Resources Centre can be reckoned for pensionable purpose.

5.The learned counsel for the appellant appears to be right in her contention that State Resources Centre is not an NGO. But that is beside the point. The only question that we have to consider is whether the service put in by the appellant in State Resources Centre can be construed as pensionable service. There is nothing on record to show that it is a pensionable service. It is seen that State Resource Centre is more in the nature of a project. It was originally conceived only as a temporary project to be continued till the end of plan period ie., 1990.



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This is evident from the appointment letter dated 18.07.1988 issued to the appellant herein. It is true that the life of the said project has been extended periodically. But that would not change the character of the institution. The appointment letter of the appellant dated 18.07.1988 even contains a clause that no contributory provident fund and other retirement or medical benefits will be available to the appellant. In these circumstances, by no stretch of imagination, the appellant can claim the status of a government employee.

6.In this view of the matter, we have to hold that the period of employment of the appellant in State Resource Centre cannot be construed as government employment or as a pensionable service.

7.The order impugned in the writ petition passed by the fourth respondent reads that the appellant became a member of employees' provident fund in the year 1995. A government employee will not be a member of EPF. Subsequently, the appellant had also joined the contributory pension scheme when he was working at Alagappa University.



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8. In these circumstances, we are of the view that the learned Single Judge rightly denied relief. It is true that one Dr. Naseem Akther, who was also similarly placed was granted benefit by virtue of the resolution passed by the Syndicate of Madras University. The said resolution will not confer any enforceable right in favour of the appellant. The point is not whether Dr. Naseem Akther was given benefit. The question is whether he was legally entitled? The principle of equity cannot be invoked in such cases. The appellant has to anchor his claim on the basis of any statutory rule or provision. A resolution passed by the Madras University in the case of another similarly placed individual cannot come to the rescue of the appellant.

9. The order impugned in this writ appeal is sustained and the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
24.06.2025

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

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- 2.The Secretary,
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