

W.P.(MD) No.16268 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Reserved On : 30.07.2025

Pronounced On : 19.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.16268 of 2017

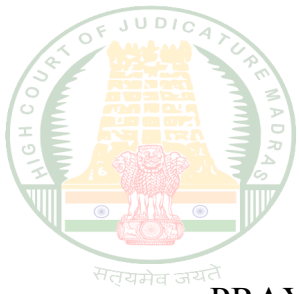
PL.Palaniappan (Retd. Grade-I Tamil Teacher),
S/o. Palaniappan,
D.No.68, Pavendar Salai,
Anna Nagar, Karaikudi - 630 002,
Sivagangai District.

... Petitioner

Vs.

1. The Commissioner and
Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009
2. The Principal Accountant General,
(Accounts & Entitlement),
Tamil Nadu Office, 361, Anna Salai,
Chennai - 600 018
3. The District Educational Officer,
Devakottai,
Sivagangai District.
4. The Secretary / School Committee,
SMS Higher Secondary School,
Karaikudi,
Sivagangai District.

... Respondents



W.P.(MD) No.16268 of 2017

PRAYER.:

To issue a Writ of Certiorarified Mandamus, or any other Writ or Order or Direction in the nature of Writ, writ of Certiorarified Mandamus calling for records pertaining to the impugned order dated 29.08.2016 in No.P24/4/12413472/ADK of the 2nd respondent and quash the same and consequently direct the respondents to pay arrears of pension from 1992 till date with interest and subsequently monthly pension besides gratuity payable to be petitioner and pass such further of other orders as this Court may deem fit and proper to the circumstances of the case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr. J.Anandakumar, Advocate
For Respondents : Mr.T.Amjad Khan,
Government Advocate for R1 & R3
: Mr.P.Gunasekaran, Advocate for R2

JUDGMENT

Heard.

2. The time tested rule in government service was that once a government servant resigned, their entire past service would be forfeited, making them ineligible for any pensionary benefits. Teachers like the petitioner, working in private schools were initially given salaries

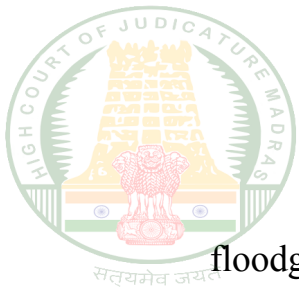


W.P.(MD) No.16268 of 2017

equivalent to those of government school teachers. Later, they too were extended the benefit of pension. However, some teachers who had resigned—unaware that family pension provisions had been extended to private school teachers—approached the government, stating that their resignations was unintentional and had been tendered without this knowledge. They argued that, had they been aware of the pension eligibility, they would not have resigned.

3. In response, the government issued G.O.Ms.No. 1015 dated 05.06.1981. In paragraph 6(ii) of this order, it was specified that pension could be sanctioned even in cases where the employee had resigned.

4. Based on this, a Division Bench of this Court, in Government of **Tamil Nadu vs. Paul Jeyaraj (2001 WLR 852)**, held that persons who had resigned prior to 05.06.1981 would still be eligible for pensionary benefits, provided they opted for it. Subsequently, another Division Bench, in its order dated 17.11.2008 in **D. Vijayarangan vs. Secretary, STAT (W.P. No. 13048 of 2006)**, went a step further by extending the benefit even without applying the cut-off date. That case arose in the Commercial Tax Department, and the ruling effectively opened the



W.P.(MD) No.16268 of 2017

floodgates, allowing many individuals to claim that resignation too would entitle them to pension. This, in turn, undermined and distorted the established rule governing pensionable service.

5. Subsequently, a Division Bench, in its order dated 27.06.2019 in *State of Tamil Nadu vs. C. Kumar*, after reviewing all the earlier decisions, held that the benefit would apply only to those who had resigned prior to 05.06.1981, and not to anyone resigning thereafter. The relevant portions of the judgment, found in paragraphs 13 and 14, may be usefully extracted below:

“13. A cursory look at the abovesaid judgments would show that none of the judgments would apply to the facts of the present case. G.O.Ms.No.1015, Education Department, dated 05.06.1981, makes it clear that pension can be sanctioned only in cases, where the incumbents has resigned prior to the crucial dates 05.06.1981, for the reason that they could not have foreseen the institution of pension scheme, at the time when they resigned. G.O.Ms.No.37, Education Science and Technology Department, dated 05.01.1983, clarifies that persons who had resigned prior to 05.06.1981 alone and other crucial dates pertaining to teaching staffs in various institutions, are entitled to pensionary benefits and that too only from the date of 05.06.1981 meaning thereby that they would not be entitled for any amount prior to 05.06.1981.

14. The writ petitioner/first respondent herein, who resigned on 07.07.1984 that is much after 05.06.1981 and who knew about G.O.Ms.No.1015, Education



WEB COPY



W.P.(MD) No.16268 of 2017

Department, dated 05.06.1981 and G.O.Ms.No.37, Education Science and Technology Department, dated 05.01.1983, is not entitled to pension. It should be deemed that he resigned on 07.07.1984, knowing fully well all the consequences of resignation. The judgments relied on by the respondent cannot be made applicable, because of the specific provision in the Government orders extracted supra.”

6. This decision lays down the correct position of law, which is binding on this Court. It subsequently came to light that the affected person in the above case (C. Kumar) had filed a Review Application, which was placed before another Division Bench headed by R. Subramaniam, J., after four years, in Review Application No. 192 of 2021. The said Review Application was dismissed on 20.01.2023, with the Bench passing the following order:

“The petitioner seeks review of the order of the Division Bench made in W.A.No.2590 of 2018 dated 27.06.2019.

2. The Division Bench found that the petitioner having resigned from the pensionable post after the crucial date viz., 05.06.1981 fixed in G.O.Ms.No.1015 Education, dated 05.06.1981, is not entitled to pension.

3. Mr.S.N.Ravichandran, learned counsel appearing for the review petitioner would vehemently contend that the Government in the grounds of appeal did not raise such a contention.



WEB COPY



W.P.(MD) No.16268 of 2017

4. We do not think that non-raising of a ground regarding entitlement of the petitioner would be a ground to review the order of the Division Bench. It is not as if the Division Bench is powerless to interfere when it found that the petitioner is not entitled to pension on the admitted facts.

5. The learned counsel would invoke Rule 23(1) of Pension Rules. We do not think that Rule 23(1) of Pension Rules would apply to the present case as the petitioner has not taken up another Government service after his resignation.

6. We therefore do not see any ground to review the order of the Division Bench. Hence, this review application is dismissed.”

7. In the present case, the Petitioner, who was employed as a Grade-I Tamil Teacher, tendered his voluntary resignation, which was duly forwarded and accepted by the Chief Educational Officer, Sivagangai, by order dated 27.11.1992. However, after the lapse of 25 years from his resignation, and upon noticing that several others had secured pension benefits without reference to the cut-off date of 05.06.1981, the Petitioner has now filed the present writ petition without any valid basis. The Petitioner is not only guilty of gross delay and laches, but also, on merits, has no sustainable case in light of the binding Division Bench decision referred to above.



W.P.(MD) No.16268 of 2017

WEB COPY

8. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.

19.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1. The Commissioner and
Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009
2. The Principal Accountant
General, (Accounts & Entitlement), Tamil
Nadu Office, 361, Anna Salai,
Chennai - 600 018
3. The District Educational
Officer, Devakottai, Sivagangai District.
4. The Secretary / School
Committee, Sms Higher Secondary School,
Karaikudi, Sivagangai District.



WEB COPY



W.P.(MD) No.16268 of 2017

DR. A.D. MARIA CLETE, J.

LS

Pre-delivery Judgment made in
W.P. (MD) No.16268 of 2017

19.08.2025