



W.P.(MD) No.6801 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
19.06.2026	16.07.2026

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.6801 of 2026

U.Kamalam

... Petitioner

-VS-

- 1.The State of Tamil Nadu
rep.by its Secretary
Department of Finance (Pension)
Fort St.George, Chennai-600 009
- 2.The State of Tamil Nadu
rep.by its Secretary
Department of School Education
Fort St.George, Chennai-600 009
- 3.The Accountant General
Office of the Accountant General
261, Annasalai, Chennai-600 018
- 4.The Director of School Education
College Road, Chennai-600 006
- 5.The Chief Educational Officer
Madurai, Madurai District



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6.The Headmaster
Government Higher Secondary School
Podhumbu, Madurai District-625 018

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned proceeding issued by the third respondent Accountant General in No.E09/4/10932709/ADK dated 02.09.2025 and the consequential proceeding in No.E09/5/10628308/ADK dated 18.02.2026, quash the same and further direct the third respondent herein to forthwith disburse the pension and other retirement benefits eligible for the petitioner under the Old Pension Scheme.

For Petitioner : Ms.A.Amala

For Respondents : Mrs.K.Porkodi
Counsel for the Govt. for R1, R2, R4 to R6
Mr.P.Gunasekaran for R3

ORDER

The petitioner herein was originally appointed as a Secondary Grade Teacher in Subbarayalu Memorial Middle School, Alwarpuram, which is an Aided Educational Institution, on 13.01.2003, and her appointment was



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approved on 10.01.2004 i.e., after the petitioner has completed her Child Psychology Course. It was thereafter, the petitioner was appointed as a B.T.Assistant (Science) in a Government School, Vellaampatti, on 08.10.2007, in a recruitment process undertaken by the Teachers Recruitment Board and thereafter, she was transferred to the sixth respondent – School on 07.09.2011 and she retired from service voluntarily on 31.05.2025, after having rendered 22 years 04 months and 29 days of service.

2. The petitioner was initially assigned with TPF.No. 339493/ASTPF and later, she was allotted with GPF No.167506/EDN. On her retirement from service, pension proposals were forwarded to the third respondent herein by the sixth respondent – School and the said proposals were initially returned by the third respondent to the sixth respondent *vide* letter dated 02.09.2025 stating that the appointment of the petitioner as Secondary Grade Teacher was approved only 10.01.2004 and therefore, she is not entitled for the benefits of the Tamil Nadu Pension Rules, 1972. Once again, the said proposals were re-submitted on 22.12.2025 and the same was also once again returned by the third respondent *vide* proceedings dated 18.02.2026, on the ground that the petitioner was initially appointed as a Secondary Grade Teacher in an Aided School and later in a Government



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School only after 01.04.2003 and therefore, she is not entitled for payment of pension under the Tamil Nadu Pension Rules, 1972 and therefore, the proposals were required to be re-submitted by duly rectifying the said mistake. It is aggrieved by the proceedings dated 02.09.2025 and 18.02.2026, issued by the third respondent, the petitioner has approached this Court by filing the present writ petition.

3. The third respondent filed a detailed counter-affidavit reiterating it's stand indicated in the impugned proceedings and contending that the service rendered by the petitioner prior to the date of her approval i.e., 10.01.2004 cannot be taken into consideration for the purpose of pension and therefore, 10.01.2004 is to be construed as her date of appointment in the post of Secondary Grade Teacher in an Aided School i.e., after 01.04.2003 and therefore, the petitioner is not entitled for the benefits under the Tamil Nadu Pension Rules, 1972.

4. Heard Ms.A.Amala, learned counsel for the petitioner; Mrs.K.Porkodi, learned counsel for the Government of Tamil Nadu appearing for the respondents 1, 2, 4 to 6 and Mr.P.Gunasekaran, learned counsel appearing for the third respondent.



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5. Learned counsel for the petitioner contended that though the appointment of the petitioner as a Secondary Grade Teacher in an Aided School was approved with effect from 10.01.2004, her date of appointment continues to be 13.01.2003, the date on which she was appointed as a Secondary Grade Teacher in an Aided School. So long as her date of appointment is not altered, the date of approval of such appointment absolutely has no relevance for the purpose of determining the entitlement of the petitioner for payment of pension under the Tamil Nadu Pension Rules, 1978. In other words, the contention of the learned counsel for the petitioner is that the appointment of the petitioner may have been approved from a later point of time, but, that will not have the effect of altering the date of her appointment. Thus, she contends that the petitioner being the one appointed on 13.01.2003 i.e., much prior to 01.04.2003, the date on which the Contributory Pension Scheme came into force, is entitled for the retirement benefits under the Tamil Nadu Pension Rules, 1978. In support of the said contention, she also placed reliance on the decisions of this Court in ***The State of Tamil Nadu & Others vs. Pallivasal Primary School***, reported in **2004-2-L.W.591** and ***V.Vasanthi vs. State of Tamil Nadu***, reported in **2019 (4) CTC 865** and the orders passed by the other learned Division Benches of



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this Court in W.A.Nos.1573 of 2021 etc., batch, dated 30.06.2022, in ***The State of Tamil Nadu, rep.by its Secretary to Government, Education Department and another vs. R.Chitradevi*** and W.A.(MD) Nos.348 & 349 of 2021, dated 04.01.2023, in ***The State of Tamil Nadu, rep.by its Secretary to Government, Education Department and others vs. K.Sulochana (Died) and another.***

6. On the other hand, learned counsels appearing for the respective respondents contended that the appointment of the petitioner on 13.01.2003 as a Secondary Grade Teacher, without possessing the qualification of Child Psychology Course, is illegal and cannot be construed as appointment in the eye of law and unless and until the said appointment is approved by the competent authority, the same will not have any effect of the appointment order in the eye of law. Therefore, they contended that, for all practical purposes, the date of approval of her appointment by the competent authority i.e., 10.01.2004 is to be construed as her date of appointment.

7. This Court has carefully considered the submissions made on either side and also perused the entire materials available on record.



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8. This Court, after having perused the decisions of the learned Division Bench of this Court in **Pallivasal Primary School's** case and **V.Vasanthi's** case and taking into consideration the admitted facts of the case on hand, does not see any reason to deliberate the issue in detail. The reasons for the same are as under:

8.1. In **Pallivasal Primary School's** case, a learned Division Bench of this Court, while dealing with a challenge made to the orders issued by the Government in G.O.Ms.No.155, dated 03.10.2002, upheld the said Government Order, which only provides approval / confirmation of the appointment of the teachers only from the date of completion of Child Psychology Course. The learned Division Bench further noted that the Government, while retaining the teachers in service, only postponed the approval / confirmation of their appointment from the date on which they completed the Child Psychology Course. Having taken note of the fact that they have been allowed to continue in service, the Division Bench observed that the past services rendered by such teachers prior to the acquisition of the Child Psychology Course, shall be counted for the purpose of pension.



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8.2. Another learned Division Bench of this Court in **V.Vasanthi's** case, having taken note of the decision in **Pallivasal Primary School's** case, has held as under:

“10. Now, the question arises for consideration is as to whether the date of approval of Appointment is the relevant date for considering the claim of the Writ Petitioner under the Old Pension Scheme or the date of Approval of her original Appointment to the said post. Appointment to the post by the School/Management and approval of the same by the Education Department are two different events and thus, relevant dates of those two events are certainly different and distinguishable. Approval of Appointment is granted by the Department for the purpose of extending the Monetary benefits. Therefore, it does not mean that date of Approval itself has to be construed as the date of Appointment for the purpose of considering the applicability of the relevant Pension Scheme. Approval of such Appointment may be granted either from the date of such Appointment or from any other subsequent date depending upon the facts and circumstances of each case like want of vacancy or sanction, etc. At any event, the date of Appointment remain to be the same. The dispute herein is not with regard to the claim for Salary from the date of the Appointment of the Writ Petitioner. On the other hand, it is in respect of the applicability of



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relevant Pension Scheme, under which, the Writ Petitioner has to be placed. For this purpose, the date of Approval of Appointment is not relevant factor and on the other hand, it is only the date of Appointment that matters. In other words, if the Writ Petitioner is entitled to count her service period from the date of her appointment for the purpose of Pension, she must be placed only under the Old Pension Scheme, since her appointment was admittedly earlier to the introduction of the New Pension Scheme.

11. At this juncture, the observation made by the Division Bench in **State of Tamil Nadu v. Pallivasal Primary School**, (2004) 2 LW 591, at Paragraph 8, is relevant to be quoted:

“8. Their right to be regarded as persons eligible for confirmation/approval can be said to arise only after they acquired, after their training, a minimum prescribed qualification. The Government here has shown great concession to them by allowing them to retain their position even without obtaining the requisite Diploma or Certificate in child psychology by giving to them training in Child Psychology. We see nothing wrong in the Government directing that their approval/confirmation can only be on and after the date they complete the training. Their past service, however, shall count for Pension.”



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12. A careful perusal of the above observation made in the said Pallivasal Primary School case would show that even though approval of the Appointment of the Teacher, who has undergone Child Psychology Training, will take effect only on completion of such training, the past service rendered by such Teacher i.e., service rendered before the completion of such training, is bound to be counted for Pension. In other words, the service period of such teacher commences from the date of the Appointment and not from the date only from the date of completion of the training. Therefore, for all practical purposes, the date of Appointment is not altered and remain to be the same. Therefore, the date of Approval of Appointment of the Writ Petitioner cannot be construed as the date relevant for considering the applicability of the Pension Scheme and on the other hand, it is the original date, on which the Writ Petitioner got appointed that matters for considering as to whether the Writ Petitioner is governed under the Old Pension Scheme or not. At this juncture, it is relevant to note that in G.O. Ms. No. 259, Finance (Pension) Department, dated 6.8.2003, a Proviso to Rule 2 of the Tamil Nadu Pension Rule, 1978, was introduced by way of amendment, wherein and whereby, it is contemplated that the Tamil Nadu Pension Rules, 1978 shall not apply to Government Servants “appointed” on or after 1st April 2003 to services and posts. The word “appointed” referred in the said Proviso cannot be construed to mean approval of such Appointment.”



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8.3. The fact situation of **V.Vasanthi's** case is almost identical to the fact situation of the case on hand. The learned Division Bench of this Court in **V.Vasanthi's** case, held that the date of approval of appointment is not a relevant factor and it is only the date of appointment that matters. It was further held that for all practical purposes, the date of appointment is not altered and the same remains as it is and the date of approval of appointment of the petitioner therein cannot be considered as a date relevant for considering the applicability of the Pension Scheme and it is only the original date of appointment is relevant for the purpose of application of the Old Pension Scheme. While holding so, the learned Division Bench also took note of the contents of G.O.Ms.No.259, Finance (Pension) Department, dated 06.08.2003 and proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978, which makes a specific reference to the word “appointed” and held that the said word cannot be construed to mean approval of such appointment.

8.4. In the light of the above decisions of the learned Division Benches of this Court and applying the same to the case on



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hand, this Court has no other option except to conclude that the date of appointment of the petitioner herein, namely, 13.01.2003 is relevant for the purpose of grant of pension to the petitioner and not the date of approval of that appointment. Once it is concluded that the date of appointment of the petitioner is only relevant for the purpose of ascertaining the eligibility of the petitioner or otherwise for pensionary benefits under the Tamil Nadu Pension Rules, 1978, the natural consequence would be that the petitioner is entitled for payment of terminal benefits under the Tamil Nadu Pension Rules, 1978.

9. No doubt, the special leave petitions in SLP (C) Nos.3271-3272 of 2023 filed against the decision of the learned Division Bench of this Court in **V.Vasanthi**'s case are pending before the Honourable Apex Court for consideration. Though this Court is having slightly different view, as on date, the decision of the learned Division Bench of this Court in **V.Vasanthi**'s case is holding the field and therefore, this Court is bound by the said decision. In case if the said decision in **V.Vasanthi**'s case is reversed by the Honourable Apex Court, the situation may vary.



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10. Further, the decision in **V.Vasanthi's** case was also subsequently followed by several other learned Division Benches of this Court, including, in W.A.Nos.1573 of 2021 etc., batch, dated 30.06.2022, in **The State of Tamil Nadu, Secretary to Government, Education Department and another vs. R.Chitradevi** and W.A.(MD) Nos.348 & 349 of 2021, dated 04.01.2023, in **The State of Tamil Nadu, rep.by its Secretary to Government, Education Department and others vs. K.Sulochana (Died) and another**

11. In the instant case, the respondents have already allotted GPF No.167506/EDN to the petitioner and deductions have been made for all these years and it is only when the petitioner retired from service and pension proposals were forwarded to the third respondent, the third respondent returned the proposals *vide* impugned proceedings without applying the law laid down by the learned Division Benches of this Court in the above referred decisions. In the light of the above, the impugned proceedings issued by the third respondent cannot be sustained.



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12. Accordingly, the impugned proceedings dated 02.09.2025 and 18.02.2026, issued by the third respondent, are hereby quashed and the sixth respondent is directed to re-submit the pension proposals of the petitioner to the third respondent as expeditiously as possible, at any rate, within a period of four weeks from the date of receipt of a copy of this order.

13. On such re-submission of the pension proposals, the third respondent shall process the same and pass necessary orders thereon by duly taking into consideration the date of appointment of the petitioner being 13.01.2003 under the Tamil Nadu Pension Rules, 1978, and issue appropriate proceedings, within a further period of six weeks from the date of receipt of the pension proposals from the sixth respondent.

14. Accordingly, this writ petition is allowed. No costs.

16.07.2026

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

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To:

- 1.The Secretary,
Department of Finance (Pension),
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 2.The Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-600 009.
- 3.The Director of School Education,
College Road, Chennai-600 006.
- 4.The Chief Educational Officer,
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Podhumbu, Madurai District-625 018.



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MUMMINENI SUDHEER KUMAR, J.

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ORDER
IN
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