

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

Contempt Petition No.1889 of 2015

The Tamilnadu Higher Secondary School
Vocational Teachers Welfare Association,
rep. by its State President,
V.Somasundaram,
No.19/10, Saravana Street,
Kondithoppu, Chennai - 600 079. ... Petitioner

Vs.

- 1.Tmt.P.Sabitha, I.A.S.,
The Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
- 2.Thiru.Kannappan,
The Director of School Education,
D.P.I.Campus College Road,
Chennai - 600 006.
- 3.Thiru.Bhaskaran Sethupathy,
The Joint Director of School Education,
(Vocational Education),
D.P.I.Campus College Road,
Chennai - 600 006. .. Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for
disobeying the orders in W.P.No.28199 of 2008 dated
20.02.2014.

For Petitioner	..	Mr.S.Kamadevan
For Respondents	..	Mrs.P.Kavitha, Government Advocate

ORDER

<https://hcservices.ecourts.gov.in/hcservices/>

Mrs.P.Kavitha, learned Government Advocate appearing

for the respondents submitted that G.O.Ms.No.680, Education, Science & Technology (VE) Department, dated 20.9.1996 was issued approving the appointment of 235 fully qualified Vocational Instructors as Part-Time Vocational Instructors from 20.9.1996 by relaxing the conditions stipulated in G.O.Ms.No.991, Education Department, dated 16.7.1990, irrespective of the fact whether their appointments were approved by the Chief Educational Officer earlier or not and since the case of the members of the petitioner association also stands on the same footing, the second respondent sent proposal for approval of the remaining 126 fully qualified Vocational Instructors and the Government after careful examination of the proposal sent by the second respondent, issued G.O.Ms.No.74, school Education (VE) dated 10.6.2002 according approval as Part-Time Vocational Instructors notionally from 20.9.1996. The learned Government Advocate also took this Court to Paragraph 3(i) of the G.O.Ms.No.74 School Education (VE) Department, dated 10.6.2002, which states that the members of the petitioner association will be treated as Part Time Vocational Instructors from 20.9.1996 without any monetary benefits. However, they will be considered as Full Time Vocational Instructors with effect from 10.6.2002.

2. The learned counsel appearing for the petitioner association would submit that this Court has given a direction to regularise the service of the members of the

petitioner association with effect from 20.09.1996 as Full Time Vocational Instructors but without complying with the order of this Court, the Government has passed G.O.Ms.No.74 School Education (VE), dated 10.6.2002 stating that the service of the approved Part-Time Vocational Instructors will be regularised with effect from 10.6.2002 as Full Time Vocational Instructors.

3. A reading of Paragraph 3(i) of G.O.Ms.No.74 School Education (VE) dated 10.6.2002 along with Paragraph 8 of the Counter Affidavit dated 7.12.2015 shows that all the 126 fully qualified Vocational Instructors were treated as Part-Time Vocational Instructors notionally from 20.9.1996. At this juncture, it is relevant to extract paragraph 12 of the Counter Affidavit.

"12. I humbly submit that the petitioner herein is one of the 126 left out persons and he was given appointment approval as Part-Time Vocational Teacher Notionally and retrospectively from 20.9.1996 without any monetary benefits vide orders issued in G.O.Ms.No.74 School Education (VE), dated 10.6.2002 on the similar lines of the order issued in G.O.Ms.No.680 Education, Science and Technology (VE) Department, dated 20.9.1996. Hence, the petitioner and other 125 left out persons were similarly treated on par with the persons covered under G.O.Ms.No.680 Education, Science and Technology (VE)

Department, dated 20.9.1996. The petitioner was given approval as Part-Time Vocational Instructors notionally and retrospectively from 20.9.1996 without any monetary benefits in terms of the said G.O.Ms.No.680 Education, Science and Technology (VE) Department, dated 20.9.1996."

A reading of Paragraph 12 of the Counter Affidavit shows that 126 left out persons including the petitioner have been treated on par with the persons covered under G.O.Ms.No.680 Education, Science and Technology (VE) Department, dated 20.9.1996 as per the order of this Court dated 20.02.2014 passed in W.P.No.28199 of 2008. Therefore, contention of the petitioner that the members of the petitioner association cannot be made regularised as Part-Time Teachers with effect from 20.9.1996 since there is no such concept in service is unfounded. Because, admittedly, all the members of the petitioner association were Part Time Teachers in 1996. Therefore, absolutely, there is nothing wrong in making them regular as Part-Time Teachers from 20.09.1996 and then regularising as Full Time Teachers from 10.6.2002.

4. All the members of the petitioner association were given approval as Part Time Vocational Instructors with effect from 20.9.1996 notionally without any monetary benefits, in terms of G.O.Ms.No.74 School Education (VE), dated 10.6.2002 and they would be regularised as Full Time

Instructors with effect from 10.6.2002.

5. It is made clear that since the services of the members of the petitioner association were approved as Part Time Vocational Instructors with effect from 20.09.1996, the respondents shall take into account 50% of their Part Time Service for the purpose of giving pensionary benefits as per the existing Government Orders. With this direction, the Contempt Petition stands disposed of.

asvm

SD/-
DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

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SS/CO/29/12/2015

One CC to The Government Pleader, Sr.No.14983

One CC to Mr.S.Kamadevan, Advocate, Sr.No.14906

To

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

2.The Director of School Education,
D.P.I.Campus College Road,
Chennai - 600 006.

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