

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23427/2015 & MP.No.1/2015

O.Kannamma

... Petitioner

Versus

- 1.The Secretary to Government
School Education Department
Fort St George, Chennai 600009.
- 2.The Director of Elementary Education,
DPI Compound, College Road,
Chennai 600061.
- 3.The District Elementary Educational Officer
DPI Compound, College Road,
Chennai 600061.
- 4.The Assistant Elementary Educational Officer
Perambur Range, 11, Devidson Street,
Chennai 600011.
- 5.The Principal Accountant General
Accounts and Entitlements
No.261, Anna Salai, chennai 600002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to count half of the service rendered by the petitioner as part time vocational teacher for pensionary benefits if necessary by giving necessary relaxation and to direct the respondent to pay full pension to the petitioner.

For Petitioner : Mr.R.Govindaraj

For RR 1 to 4 : Mr.K.Rajendra Prasad, GA

For R5 : Mr.V.Vijayshankar

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that she was appointed as a Part Time Vocational Teacher in ANM Middle School, Kodungaiyur, on 09.06.1971 and continued to work in that capacity till 08.06.1981 and thereafter, the said post was upgraded as Full Time post and she was absorbed as a Full Time Vocational Teacher from 08.06.1981 and she continued to work in that capacity till she attained the age of superannuation, i.e., on 31.05.2010. The petitioner claims that she has put in 10 years of service as Part Time Vocational Teacher and 29 years 2 months and 22 days as Full Time Vocational Teacher, aggregating to a total length of service as 39 years 2 months and 22 days. The grievance expressed by the petitioner is that in spite of putting such a number of service, she has not been given full pension and placed reliance upon G.O.Ms.No.437, Finance [Pension] Department, dated 23.06.1988, as amended in G.O.ms.No.118, Finance [Pension] Department, dated 14.02.1996 and also various orders passed by this Court for conferment of such a benefit. In this regard, she has submitted a representation dated 24.07.2014 to the respondents followed by a reminder dated 13.10.2014 and since she has not been favoured with any response, she came forward to file this writ petition.

3.Heard Mr.R.Govindaraj, learned counsel for the petitioner who would submit that this Court in similar facts and circumstances, has passed the following orders, i.e., [1] the order dated 29.07.2011 made in WP.No.4556/2007 [OA No.2667/2001] ; [2] Judgment dated 10.09.2014 made in WA.No.1182/2014 & MP.No.1/2014 and [3] the order dated 17.12.2014 made in WP.No.2540/2012, directing the respondents to take into account 50% of the service rendered as part time basis and further directing the authorities concerned to settle the terminal benefits accordingly and hence, prayed that similar orders may be passed in the case of the petitioner herein.

4.Heard the submissions of Mr.K.Rajendra Prasad, learned Government Advocate who accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the 5th respondent.

5.Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances, directs the 2nd respondent to consider and dispose of the petitioner's representations dated 24.07.2014 and 13.10.2014 on merits and in accordance with law, after taking into consideration the Government Orders as well as the earlier orders passed by this Court as stated above, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner herein.

6.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

AP

To

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- 5.The Principal Accountant General
Accounts and Entitlements
No.261, Anna Salai, Chennai 600002.

+1 cc to Mr.R.Govindaraj, Advocate, sr.40205
+1 cc to Government Pleader, sr.39928

ca(co)
kra(17/08)

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