

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30467/2015

1.B.K.Kalavathi
2.H.Savithiri
3.K.Mohanraj

.. Petitioners

Versus

1.The Secretary
Government of Tamilnadu
School Education Department
Fort St George, Chennai 600 009.

2.The Director of School Education,
O/o.The Directorate of School Education,
DPI Campus, Chennai 600 006.

3.The Joint Director of Vocational Instructors
O/o.The Directorate of Vocational Instructors,
DPI Campus, Chennai 600 006.

4.The Accountant General, [A&E]
O/o.The Principal Accountant General
Tamilnadu, Chennai 600018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to include the service rendered by the petitioner from initial appointment till regularisation for the pension purpose.

For Petitioners: Mr.Venkataswamybabu

For RR 1 to 3 : Mr.N.Srinivasan
Additional Government Pleader

For R4 : Mr.V.Vijayshankar

O R D E R

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

2 Following are the service details of the petitioners:-

[a] The 1st petitioner has passed SSLC and Typewriting [Higher] in English and Tamil and worked in the Government Higher Secondary School, Krishnagiri and retired from service on 30.04.2015.

[b] The 2nd petitioner passed M.A., and M.Phil and worked in the very same school and retired from service on 31.03.2015.

[c] The 3rd petitioner possess the qualification of M.Com., B.Ed., and worked in the Government Higher Secondary School, Kathadimattam, Balacola [P.O.], Nilgiris District and retired from service on 30.04.2011.

3 The grievance expressed by the petitioners is that they have handled not less than 28 periods per week which is the workload prescribed by the Government for all the teachers and that the time scale of pay has been granted to the Vocational Teachers as per G.O.Ms.712 dated 28.05.1990 ; G.O.Ms.No.967 dated 16.10.1992, G.O.Ms.No.834 dated 23.09.1994 ; G.O.Ms.No.358 dated 18.08.1997 ; G.O.Ms.No.39 dated 12.02.1999 and G.O.Ms.No.74 dated 10.06.2002.

4 It is further stated that though the petitioners were brought under the time scale of pay, the part-time services rendered by them and the classes handled for the Higher Secondary Course, have not been taken into consideration for the purpose of calculating full pensionary benefits. In this regard, the petitioners submitted representation dated 02.07.2015 and since no orders have been passed, they came forward to file this writ petition.

5 Learned counsel for the petitioners would submit that the matter in issue is squarely covered by the Judgment dated 16.03.2015 made in WA.No.359/2015 wherein the Division Bench of this Court, has upheld the conclusion reached by the learned Single Judge in WP.No.4408/2014 and it is relevant to extract the same:-

"13.The learned Single Judge has rightly come to the conclusion as under and granted the aforestated benefits:-

4[c].The workload not less than 20 periods in a week is a whole time employment for a day. In fact, such appointment is Full Time Appointment, but the Government of Tamilnadu with a view to deny the benefits of Full Time Employment, designated the Vocational Instructors as Doubt Part Time Vocational Instructor. The Government of Tamil Nadu in order to deny regular salary and permanent

statue to the Part Time Vocational Instructors, has introduced the system of Double Part Time teacher. As per the said system, though Vocational Inspection has taken classes in the morning and evening, he will be treated as Double Part Time Vocational Instructor and not Full Time Vocational Instructor. The petitioner worked for a whole day, i.e., forenoon as well as in afternoon. But, he was designated as Double Part Time Vocational Instructor instead of Full Time employee. After prolonged correspondence, the Government of Tamil Nadu has issued G.O.Ms.712 dated 28.05.1990 and G.O.Ms.No.834 dated 23.09.1994, G.O.Ms.No.221 dated 15.07.1999 to regularise the service of the Vocational Instructor."

14. Thus the impugned order does not suffer from any infirmity, illegality or irregularity warranting interference in this appeal. Accordingly, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed."

6 This Court, in the light of the above facts and circumstances, directs the 1st respondent to consider and dispose of the petitioners' representation dated 02.07.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary
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4.The Accountant General, [A&E]
O/o.The Principal Accountant General
Tamilnadu, Chennai 600018.

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.52476

+1cc to the Government Pleader, S.R.No.52939

KU(CO)
EU(09/10/2015)

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