

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 06.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31370/2015

P.K.Srinivasan

...Petitioner

Versus

1. The Government of Tamilnadu
Represented by Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.
2. The Director,
School Education,
Nungambakkam,
Chennai-600 006.
3. The Chief Educational Officer,
Tiruvannamalai Post,
Tiruvannamalai District.
4. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai-600 018.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 24.06.2014 with regard to counting the period of untrained graduate Teacher Service along with B.T.Assistant service for fixing revised pensionary benefits.

For Petitioner : Mr.V.Thirupathi

For R1 to R3 : Mr.V.Subbiah, Spl.GP

For R4 : Mr.V.Vijayashankar

ORDER

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

2 The petitioner would state that he has passed B.Sc., degree and was given appointment as untrained Graduate Assistant from 24.11.1960 and he worked in that capacity till 30.04.1961 in Bharathi Elementary School at Perungadaputhu and subsequently, he served as Graduate Assistant in the Panchayat Union School, Vandavasi from 28.08.1961 to 30.04.1962 and from 16.01.1967 to 31.10.1969, in the Government High School, Valkadai and between 23.01.1970 and 18.04.1970, in the Government High School Vandavasi and from 18.07.1970 to 23.04.1971, in the Government High School, Kilkodernagalore, Vellore District. The petitioner would further state that he has undergone B.T. Training in the year 1972 and vide proceedings of the Chief Educational Officer, Vellore, he was issued with a service certificate with regard to the period of service rendered by him as Graduate Assistant [untrained]. The petitioner subsequently got appointment as B.T.Assistant on 10.07.1974 through TNPSC and he was awarded selection grade scale of pay on 10.07.1984 and special grade scale of pay on 10.07.1994 and retired from service on 30.06.1998 on attaining the age of superannuation. The grievance expressed by the petitioner is that the period of service rendered by him prior to 10.07.1974 has not been taken as regular service for the purpose of calculation of pensionary benefits. In this regard, the petitioner has also submitted a representation dated 24.06.2014 to the 3rd respondent and since no orders have been passed, the petitioner came forward to file this writ petition.

3 The learned counsel for the petitioner would submit that the period of service rendered by the petitioner prior to his appointment through TNPSC as B.T.Assistant on 10.07.1974 has to be taken into consideration for the purpose of calculating pensionary and other benefits and prays for appropriate orders.

4 Per contra, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents would contend that the petitioner has retired from service as early as on 30.06.1998 and in the guise of submitting representation dated 24.06.2014, he wants to revive a stale claim and would further contend that the writ petitioner is guilty of delay and laches and prays for

dismissal of the writ petition.

5 This Court heard the submission of Mr.V.Vijayshankar, learned counsel who accepts notice for the 4th respondent.

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 24.06.2014 in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

AP

To

1. The Secretary to Government,
School Education Department,
Secretariat,
Chennai-600 009.
2. The Director,
School Education,
Nungambakkam,
Chennai-600 006.
3. The Chief Educational Officer,
Tiruvannamalai Post,
Tiruvannamalai District.

4. The Principal Accountant General (A&E),
Tamil Nadu,
Chennai-600 018.

1 CC to Mr.V.Thirupathi, Advocate SR.No. 54169

1 CC to the Government Pleader, SR.No. 54373

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VGI (CO)
PSI (20.10.2015)



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