

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31850 of 2015

R.Kalpana

... Petitioner

Vs.

- 1 The Secretary to Government
Government of Tamilnadu School Education
Department Fort St. George Chennai-9
- 2 The Director of School
Education DPI Campus College Road Chennai
- 3 The Principal Accountant
General O/o. The Principal Accountant
General (A & E) Chennai

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders on the petitioner's representations dated 1.9.2014 and reminder dated 7.8.2015 by taking into account the period of service rendered by the petitioner from 6.9.1980 to 31.8.2011 totalling to 30 years 11 months 23 days (inclusive of service rendered in K.T.C.T. Girls Higher Secondary Government Aided School as double part time vocational Assistant from 9.9.1980 to 16.9.1989 and in Arumuga Nadar Girls Higher Secondary Government Aided from 22.9.1989 to 31.8.2011 as P.G. Assistant on full-time basis) and sanction full pension with arrears and interest at the rate of 12% per annum.

For Petitioner

: Ms.K.Nithiyasree

for M/s.Giridhar and Sai

For Respondents

: Mr.N.Srinivasan for R1 and R2

Additional Government Pleader

Mr.V.Vijayashankar for R3

O R D E R

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

2.The petitioner was appointed as a Double Part-Time Vocational Assistant at K.T.C.T.Girls' Higher Secondary School which is a Government aided minority institution and subsequently, vide order dated 22.09.1989, she was appointed as P.G.Assistant in Commerce in the scale of pay of Rs.1820-60-2300-75-3200 at Arumuga Nadar Girls' Higher Secondary School on 18.09.1989 and the said selection was done through Employment Exchange and according to her from the date of entry into service, she has performed her duties in a sincere manner. The petitioner on attaining the age of superannuation on 31.08.2011 was permitted to retire and she was re-employed in the same school as P.G.Assistant on 01.09.2011 and relieved on 31.05.2012 and claims to have put in 30 years 11 months and 23 days of service. The pensionary benefit sought for by the petitioner was denied on the ground that the petitioner has completed only 9 years 5 months and 10 days of service.

3.The grievance expressed by the petitioner is that the service rendered by her as Part-Time Pre-Vocational Instructor for the period from 09.09.1980 to 21.03.2002 have not been taken into consideration. According to the petitioner, she was working as Double Part-Time Vocational Assistant from 09.09.1980 to 16.09.1989 and therefore, it is equal to full time employment and therefore, the said period of service have also to be taken into consideration for the purpose of pension and so also the subsequent period from 18.09.1989 to 21.03.2002 totalling 12 years 6 months and 3 days. The petitioner in this regard, has submitted a representation dated 01.09.2014 to the respondents followed by a reminder dated 07.08.2015 and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Ms.K.Nithiyasree, learned counsel appearing for the petitioner, Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the third respondent.

5.Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 01.09.2014 and the reminder dated 07.08.2015 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 petitioner.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary to Government
Government of Tamilnadu School Education
Department Fort St. George Chennai-9
 - 2 The Director of School
Education DPI Campus College Road Chennai
 - 3 The Principal Accountant
General O/o. The Principal Accountant
General (A & E) Chennai
- 1 cc to M/s. Giridhar & Sai Advocate, Sr. 54886
1 cc to Government Pleader, Sr. 55107

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