

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2016

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.126 of 2016
and
C.M.P.No.1898 of 2016

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Higher Education Department,
Fort St. George,
Chennai 600 009.
 - 2.The Director of School Education,
Chennai 600 009.
 - 3.The Joint Director of School Education (Vocational),
College Road,
Chennai 600 006.
 - 4.The Chief Educational Officer,
Villupuram District,
Villupuram.
- .. Appellants/Respondents

Vs.

G.Chandrasekaran .. Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent
challenging the order dated 28.02.2014 passed in W.P. No.6241 of
2014.

WP.NO.6241 of 2014:To issue a Writ of Mandamus, Directing the
respondents to count 50% of petitioners service for a period
from 18.11.1978 to 31.3.1990 as Single and Double Part Time
Vocational Instructor along with regular service as Vocational
Instructor for a period from 1.4.1990 to 31.7.2010 as
qualifying service for the purpose of pensionary benefits and to
grant arrears of pension and other pensionary benefits.

For appellants Mr. K. Karthikeyan
Government Advocate

For respondent Mr. R. Saseetharan

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JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The instant writ appeal emanates from the order dated 28 February 2014 made in W.P.No.6241 of 2014.

2 The respondent herein / writ petitioner filed the writ petition seeking for a direction to the respondents therein / appellants herein to count 50% of the petitioner's service for a period from 18th November, 1978 to 31st March, 1990 as Single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 1st April, 1990 to 31st July, 2010 as qualifying service for pensionary benefits and to grant arrears of pension and pensionary benefits.

3 Indisputably, the writ petitioner was appointed as Single Part Time Vocational Instructor on 18th November, 1978. Subsequently, he was appointed as Double Part Time Vocational Instructor from 1st July, 1979 on consolidated pay. The services of the writ petitioner was regularised on the time scale of pay by G.O.Ms.No.712, Education (HS) Department, dated 28th May, 1990. Thereafter, the writ petitioner has filed the instant writ petition seeking for the aforestated direction.

4 An identical issue as to whether part time teachers appointed as Vocational Teachers are entitled to 50% of their services as qualifying service for the purpose of computing pension, came up for consideration in Government of Tamil Nadu, represented by the Secretary to Government, School Education Department, Fort St. George, Chennai-600 009 and 3 others Vs. B.Raghavendran [W.A.No.359 of 2015]. A Division Bench of this court, considering all relevant G.Os, by judgment dated 16th March, 2015, held as under :

"11.On bare perusal of the aforestated G.Os, it emerges that employees must be under non-provincialised service, consolidated pay, honorarium and daily wages and absorbed in permanent government service before 1.4.2003. The respondent was absorbed in permanent service on 1.4.1990. The employee should also work as full time employee. No doubt, the respondent had worked as Single Part Time vocational instructor from 17.10.1978 to 21.8.1979 and doubt part time vocational instructor from 22.8.1979 till 31.3.1990, the day he was absorbed in regular time scale.

12.The respondent has averred specifically in his writ petition affidavit that his workload was not less than 20 periods in a week and as such, double part time means full time as there is no concept of double part time, when the employee is required to work in the morning and also in the afternoon. In fact, the employment of the respondent was full time, not part time. There is no denial on the part of the authorities either before the writ court or in the appeal memo filed before us. Thus, the working of the respondent for not less than 20 periods in a week has been established. It is also not disputed that if an employee works for not less than 20 periods in a week, he is a full time employee. Thus, for all practical purpose, the respondent ought to have been treated as full time employee from 22.8.1979 till he was absorbed in regular service and retired. Accordingly, 50% of the respondent's period as double part time vocational instructor from 22.8.1979 till 31.3.1990 be counted for the purpose of computing pensionary benefits under the aforestated G.Os."

5 The learned counsel on either side fairly submit that this writ appeal is covered by the aforestated judgment.

6 For the reasons mentioned herein-above, there is no reason to take a contrary view in the case on hand and as such, no interference is warranted. Accordingly, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Government of Tamil Nadu,
The Secretary,
Higher Education Department,
Fort St. George,
Chennai 600 009.

2.The Director of School Education,
Chennai 600 009.

3.The Joint Director of School Education (Vocational),
College Road,
Chennnai 600 006.

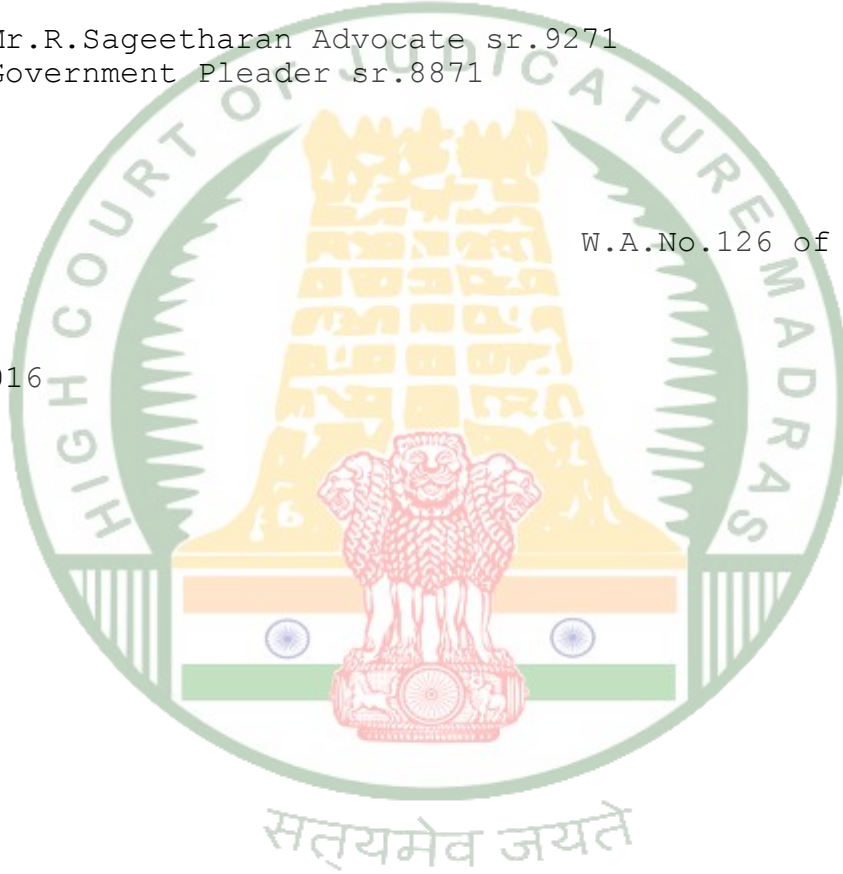
4.The Chief Educational Officer,
Villupuram District,
Villupuram.

+1 cc to Mr.R.Sageetharan Advocate sr.9271

+1 cc to Government Pleader sr.8871

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