

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.10.2017

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.27131 of 2017

S.Kudiyarasu

... Petitioner

Versus

1. Government of Tamil Nadu
rep. by its Secretary,
Department of School Education,
Secretariat, St. George Fort,
Chennai-9.
2. The Chief Educational Officer,
Kanchipuram.
3. The Head Master,
Government Higher Secondary School,
Pallikaranai, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representations dated 20.06.2017 and 23.08.2017 and pass appropriate orders for the inclusion of the past service rendered by the petitioner from 05.07.1979 to 10.11.1987 with the present service from 22.08.2008 to 31.07.2014 for the purpose of grant of pension.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.K.Rajendraprasad,
Government Advocate

ORDER

The present Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representations dated 20.06.2017 and 23.08.2017 and pass appropriate orders for the inclusion of the past service rendered by the petitioner from 05.07.1979 to 10.11.1987 with the present service from 22.08.2008 to 31.07.2014 for the purpose of grant of pension.

2. The case of the petitioner is that he joined as Teacher in the Government Higher Secondary School, Punparappi, Trichy, now in Ariyalur District and worked there for 9 years from 05.07.1979 to 19.11.1987. However, he was kept only as temporary and not regularised his service in spite of the available vacancies in the post. While so, one another person, namely, Mr.Rajendran who was also working in the same school as Vocational Teacher was given the benefit of regularisation during the year 1990 and he has also retired from service as a regular teacher. Thereafter, based on his earlier service, he was subsequently appointed as Graduate Teacher by the 2nd respondent by issuing an order of appointment bearing Na.Ka.No.78509 dated 22.08.2008 and though he attained the age of superannuation on 31.07.2013, due to one year extension, he retired from service on 31.07.2014.

3. Now the grievance of the petitioner is that if his earlier temporary service had been included with his regular service of Post Graduate Teacher from 22.08.2008 to 31.07.2014, he would have the requisite qualifying service of 15 years and eligible for pension. In this regard, the petitioner has already submitted a representation dated 18.08.2016 and the same has been acknowledged by the 2nd respondent and has also issued letter No.Na.Ka.2249/A2/2015 dated ...04.2015 to the Headmaster, Government Higher Secondary School, Pallikaranai and to the 1st respondent to send all the records pertaining to his service for considering and pass appropriate orders by the 1st respondent. But, no action has been taken up on the same. Therefore, the petitioner once again sent representations dated 20.06.2017 and 23.08.2017 citing G.O.Ms.No.408 dated 25.08.2009. But no action is forthcoming. Hence the present Writ Petition.

4. Mr.K.Rajendraprasad, learned Government Advocate, who takes notice for the respondents sought eight weeks time to consider the pending representations of the petitioner.

5. Considering the facts and circumstances of the matter and also the limited prayer made in the Writ Petition, the 1st respondent is hereby directed to consider the representations of the petitioner dated 20.06.2017 and 23.8.2017 and pass appropriate orders on merits and

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in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order.

6. The Writ Petition is disposed of accordingly. No costs.

24.10.2017

Index:Yes/No
Internet:Yes/No
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To

1. The Secretary,
Government of Tamil Nadu,
Department of School Education,
Secretariat, St. George Fort,
Chennai-9.
2. The Chief Educational Officer,
Kanchipuram.
3. The Head Master,
Government Higher Secondary School,
Pallikaranai, Chennai.

सत्यमेव जयते
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