



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2017

CORAM :

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

and

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

WEB COPY

Writ Appeal (MD) Nos.392, 393 and 389 of 2017, 1595, of 2016, 1046 of 2015, 1363,1364,1365,1366,1367,1368,1369,1370,1371 of 2014, 676,677,678,679,680,681,682,683,684 and 685 of 2015 and

C.M.P(MD)Nos.3592 and 3502,3503 of 2017, 11962 of 2016, 2 of 2015, 1,2,2,2,2,2,2,2,2,2 of 2014, 2 to 2 of 2015 and 3 to 3 of 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
FORT ST. GEORGE, CHENNAI-09

2 THE ACCOUNTANT GENERAL (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-6.

4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, THALLAKULAM MADURAI

... Appellants/Respondents 1 to 4 in WA(MD). 389/ 2017

1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPT,FORT .ST. GEORGE, CH-09.

2 THE JOINT DIRECTOR(VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CH-06.

3 THE DISTRICT EDUCATIONAL OFFICER,
MADURAI DT, THALLAKULAM, MADURAI.

... Appellants 2 & 3/Respondents 3 & 4 in WA(MD). 392/ 2017

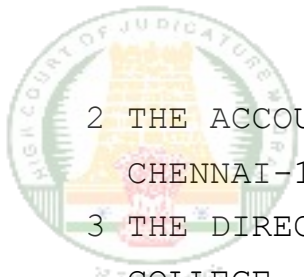
1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPT,FORT .ST. GEORGE, CH-09.

2 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CH-06.

3 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DT, THALLAKULAM, MADURAI .

... Appellants 1 to 3/Respondents 1,3 & 4 in
WA(MD). 393/ 2017

<https://hcservices.courtsgov.in/hcservices>
1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FOR ST. GEORGE, CHENNAI-09.



2 THE ACCOUNTANT GENERAL (ACCOUNTS AN ENTITLEMENTS), TAMIL NADU,
CHENNAI-18.

3 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE, ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER DINDIGUL DISTRICT, DINDIGUL.

... Appellants/Respondents 1 to 4 in WA(MD). 1046/ 2015

1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL (ACCOUNTS AN ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

... Appellants/Respondents 1 to 5 in WA(MD). 676/ 2015

1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
FORT ST GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL (ACCOUNTS AN ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

... Appellants/Respondents 1 to 5 in WA(MD). 677/ 2015

1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
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TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR(VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, THALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 678/ 2015



1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL (ACCOUNTS AN ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER, RAMANATHAPURAM DISTRICT.

... Appellants/Respondents 1 to 5 in WA(MD). 679/ 2015

1 THE STATE OF TAMIL NADU REP BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST GEORGE, CHENNAI-09.

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TAMIL NADU, CHENNAI-18.

3 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.

5 THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

... Appellants/Respondents 1 to 5 in WA(MD). 680/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL,
(ACCOUNTS AN ENTITLEMENTS), TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, TALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 681/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL,
(ACCOUNTS AN ENTITLEMENTS), TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.



4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, TALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 682/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
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TAMIL NADU, CHENNAI-18.

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COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, TALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 683/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL,
(ACCOUNTS AN ENTITLEMENTS), TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, TALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 684/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-09.

2 THE ACCOUNTANT GENERAL,
(ACCOUNTS AN ENTITLEMENTS), TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

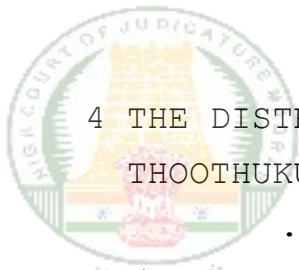
4 THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT, TALLAKULAM, MADURAI.

... Appellants/Respondents 1 to 4 in WA(MD). 685/ 2015

1 THE STATE OF TAMIL NADU REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.

2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR, HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.



4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1,2,4 & 6 in WA(MD). 1363/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY, SCHOOL EDUCATION
DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.

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2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR,
HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1,2,4,6 in WA(MD). 1364/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.

2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR,
HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1,2,4,6 in WA(MD). 1365/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.

2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR, HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.

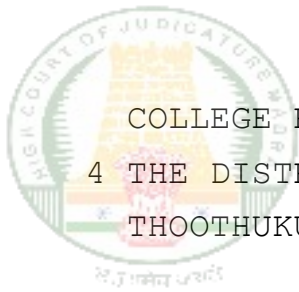
4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1,2,4,6 in WA(MD). 1366/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.

2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR, HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,



COLLEGE ROAD, CHENNAI-06.

4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1,2,4,6 in WA(MD). 1367/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.
2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.
3 THE JOINT DIRECTOR, HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.
4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1 to 4 in WA(MD). 1368/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.
2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),
TAMIL NADU, CHENNAI-18.
3 THE JOINT DIRECTOR,
HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.
4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1 to 4 in WA(MD). 1369/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.
2 THE ACCOUNTANT GENERAL,
(ACCOUNTS AND ENTITLEMENTS), TAMIL NADU, CHENNAI-18.
3 THE JOINT DIRECTOR,
HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.
4 THE DISTRICT EDUCATIONAL OFFICER,
THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1 to 4 in WA(MD). 1370/ 2014

1 THE STATE OF TAMIL NADU REP.BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600 009.
2 THE ACCOUNTANT GENERAL, (ACCOUNTS AND ENTITLEMENTS),



TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR,

HR.SEC. (VOCATIONAL) OF SCHOOL EDUCATION,

COLLEGE ROAD, CHENNAI-06.

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4 THE DISTRICT EDUCATIONAL OFFICER,

THOOTHUKUDI EDUCATION DISTRICT, THOOTHUKUDI DISTRICT.

... Appellants/Respondents 1 to 4 in WA(MD). 1371/ 2014

1 THE STATE OF TAMIL NADU,

REP BY ITS SECRETARY, SCHOOL EDUCATION DEPARTMENT,

FORT ST.GEORGE, CHENNAI-90

2 THE ACCOUNTANT GENERAL,

(ACCOUNTS AND ENTITLEMENTS), TAMIL NADU, CHENNAI-18.

3 THE JOINT DIRECTOR (VOCATIONAL) OF SCHOOL EDUCATION,

COLLEGE ROAD, CHENNAI-06.

4 THE CHIEF EDUCATIONAL OFFICER, THENI DISTRICT, THENI.

... Appellants/Respondents 1 to 4 in WA(MD). 1595/ 2016

- Vs. -

G.BALASARASWATHI

... Respondent/Writ petitioner
in WA(MD). 389/ 2017

1 A.K. SUBRAMANIAN

2 ACCOUNTANT GENERAL (ACCOUNTS AND ENTITLEMENTS),

TAMILNADU, CH-18.

... Respondent(s) in WA(MD). 392/ 2017

1 S. ARUMUGAM

2 ACCOUNTANT GENERAL (ACCOUNTS AND ENTITLEMENTS), TAMILNADU, CH-18.

... Respondent(s) in WA(MD). 393/ 2017

K.P. MUTHUSAMY

... Respondent/Writ petitioner in
WA(MD). 1046/ 2015

V.RAMAR

... Respondent/Writ petitioner in
WA(MD). 676/ 2015

R.BALASUBRAMANIAN

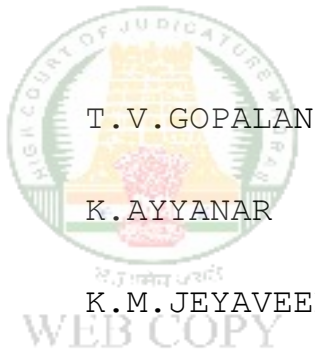
... Respondent/Writ petitioner
in WA(MD). 677/ 2015

N.SELVARAJ

... Respondent/Writ petitioner in
WA(MD). 678/ 2015

A.KAMATCHI

... Respondent/Writ petitioner in
WA(MD). 679/ 2015



T.V.GOPALAN

K.AYYANAR

K.M.JEYAVEERAN

T.R.SWAMINATHAN

K.SUBRAMANIAN

V.M.MURUGESAN

FATHIMA COONCHE

R.G.THANASINGH

M.MADASAMY

V.JEBARAJ JEBAMONI

S.NARAYANAN

A.AZIZ VELAYUTHAM

P.K.BASKARAN

T.MURUGANANTHAM

M.PALANIVEL

... Respondent/Writ petitioner in
WA(MD). 681/ 2015... Respondent/Writ petitioner in
WA(MD). 682/ 2015... Respondent/Writ petitioner in
WA(MD). 683/ 2015... Respondent/Writ petitioner in
WA(MD). 684/ 2015... Respondent/Writ petitioner in
WA(MD). 685/ 2015... Respondent/Writ petitioner in
WA(MD). 1363/ 2014... Respondent/Writ petitioner in
WA(MD). 1364/ 2014... Respondent/Writ petitioner in
WA(MD). 1365/ 2014... Respondent/Writ petitioner in
WA(MD). 1366/ 2014... Respondent/Writ petitioner in
WA(MD). 1367/ 2014... Respondent/Writ petitioner in
WA(MD). 1368/ 2014... Respondent/Writ petitioner in
WA(MD). 1369/ 2014... Respondent/Writ petitioner in
WA(MD). 1370/ 2014... Respondent/Writ petitioner in
WA(MD). 1371/ 2014... Respondent/Writ petitioner in
WA(MD). 1595/ 2016**Prayer in WA(MD). 389/ 2017 :**

To prefer the following memorandum of grounds of writ appeal as against the order dated 12.6.2014 in W.P(MD) No.3309 of 2014 .

Prayer in WA(MD). 392/ 2017 :

To prefer the following memorandum of grounds of writ appeal as against the order dated 12/06/2014 in WP(MD)No.7161 of 2014.

Prayer in WA(MD). 393/ 2017 :

To prefer the following memorandum of grounds of writ



appeal as against the order dated 12/06/2014 in WP(MD)No.7162 of 2014.

Prayer in WA(MD) . 1046/ 2015 :

The appellants above named beg to prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in WP(MD)No.16881 of 2013.

Prayer in WA(MD) . 676/ 2015 :

To prefer the memorandum grounds of Writ Appeal as against the order dated 09.04.2014 in WP.(MD).No.16771/2013.

Prayer in WA(MD) . 677/ 2015 :

To prefer the memorandum grounds of Writ Appeal as against the order dated 09.04.2014 in WP.(MD).No.16772/2013.

Prayer in WA(MD) . 678/ 2015 :

To prefer the memorandum grounds of Writ Appeal as against the order dated 09.04.2014 in WP.(MD).No.16773/2013.

Prayer in WA(MD) . 679/ 2015 :

To prefer the memorandum grounds of Writ Appeal as against the order dated 09.04.2014 in WP.(MD).No.16774/2013.

Prayer in WA(MD) . 680/ 2015 :

To prefer the memorandum grounds of Writ Appeal as against the order dated 09.04.2014 in WP.(MD).No.16775/2013.

Prayer in WA(MD) . 681/ 2015 :

To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P.(MD)No.16880 of 2013.

Prayer in WA(MD) . 682/ 2015 :

To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P.(MD)No.16882 of 2013.

Prayer in WA(MD) . 683/ 2015 :

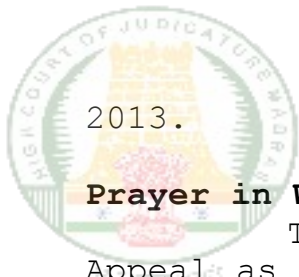
To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P.(MD)No.17000 of 2013.

Prayer in WA(MD) . 684/ 2015 :

To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P.(MD)No.17001 of 2013.

Prayer in WA(MD) . 685/ 2015 :

<https://hcservices.ecourts.gov.in/hcservices/> To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P.(MD)No.17859 of



2013.

Prayer in WA(MD) . 1363/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3310 of 2014.

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Prayer in WA(MD) . 1364/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3311 of 2014.

Prayer in WA(MD) . 1365/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3312 of 2014.

Prayer in WA(MD) . 1366/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3313 of 2014.

Prayer in WA(MD) . 1367/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3314 of 2014.

Prayer in WA(MD) . 1368/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3315 of 2014.

Prayer in WA(MD) . 1369/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3316 of 2014.

Prayer in WA(MD) . 1370/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3317 of 2014.

Prayer in WA(MD) . 1371/ 2014 :

To prefer the following memorandum of grounds of Writ Appeal as against the order dated 12.06.2014 in W.P.(MD)No.3318 of 2014.

Prayer in WA(MD) . 1595/ 2016 :

To prefer the following memorandum of grounds of writ appeal as against the order dated 09.04.2014 in W.P(MD) No.17860 of 2013

**Prayer in WP(MD) . 3309/ 2014 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 16.9.1983 to 4.10.1996 along with the regulars service for the pension benefits i.e., for the period of 22 years 11 months 02 days.

Prayer in WP(MD) . 7161/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 2nd respondent dated 4.10.2013 bearing pen 22/II/12208559/13-14/468 and quash the same and direct the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 5.12.1978 to 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 16 years 09 months and 26 days.

Prayer in WP(MD) . 7162/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent dated 28.01.2011 bearing Mu.Mu.NO. 46140/V1/E3/2010 and quash the same and direct the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 24.09.1981 to 31.03.1990 along with the regular service for the pension benefits i.e. for the period of 22 years 05 months.

Prayer in WP(MD) . 16771/ 2013 :

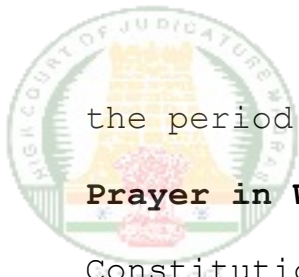
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e from 08/10/1980 to 31/03/1990 along with the regulars service for the pension benefits i.e., for the period of 27 years 8 months and 26 days.

Prayer in WP(MD) . 16772/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e from 01/12/1980 to 31/03/1990 along with the regulars service for the pension benefits i.e., for the period of 23 years 3 months.

Prayer in WP(MD) . 16773/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e from 10/11/1979 to 31/03/1990 along with the regulars service for the pension benefits i.e., for



the period of 27 years 11 months and 20 days.

Prayer in WP(MD). 16774/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e from 09/07/1979 to 31/03/1990 along with the regulars service for the pension benefits i.e., for the period of 28 years 4 months.

Prayer in WP(MD). 16775/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e from 12/11/1980 to 31/03/1990 along with the regulars service for the pension benefits i.e., for the period of 25 years 9 months and 10 days.

Prayer in WP(MD). 16880/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to take the 50% of the part time service rendered by the Petitioner ie., from 01-07-1983 to 04-10-1996 along with the regulars service for the Pension benefits ie., for the period of 23 years 2 months and 16 days.

Prayer in WP(MD). 16882/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to take the 50% of the part time service rendered by the Petitioner ie., from 15-12-1981 to 04-10-1996 along with the regulars service for the Pension benefits ie., for the period of 20 years 2 months and 5 days.

Prayer in WP(MD). 17000/ 2013 :

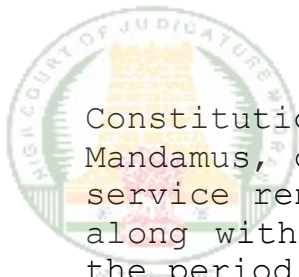
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 21/11/1981 to 12/11/1997 along with the regular service for the pension benefits i.e., for the period of 12 years 05 months and 08 days .

Prayer in WP(MD). 17001/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 17.08.1981 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 19 years 06 months and 25 days.

Prayer in WP(MD). 17859/ 2013 :

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 28.09.1984 to 31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 25 years and 02 days.

Prayer in WP(MD). 3310/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 02.07.1979 to 14.07.1980 and 07.07.1982 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 24 years 03 months 02 days.

Prayer in WP(MD). 3311/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 12.07.1989 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 17 years 01 months 09 days.

Prayer in WP(MD). 3312/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 02.07.1979 to 31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 23 years 06 months 15 days.

Prayer in WP(MD). 3313/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 01.11.1978 to 31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 25 years 02 months 15 days.

Prayer in WP(MD). 3314/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 14.07.1980 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 24 years 06 months 07 days.

Prayer in WP(MD). 3315/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 23.7.1984 to



31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 25 years 03 months 04 days.

Prayer in WP(MD). 3316/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 04.07.1983 to 31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 25 years 14 days.

Prayer in WP(MD). 3317/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 02.06.1979 to 02.09.1987 along with the regulars service for the pension benefits i.e., for the period of 26 years 04 months 20 days.

Prayer in WP(MD). 3318/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. part time from 20.09.1996 to 09.06.2002 along with the regulars service for the pension benefits i.e., for the period of 13years 08 months 26 days.

Prayer in WP(MD). 17860/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to take the 50% of the part time service rendered by the petitioner ie. from 7.11.1986 to 22.9.1994 along with the regulars service for the pension benefits i.e., for the period of 16years 2 months and 23 days.

Prayer in WP(MD). 16881/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the Respondents to take the 50% of the part time service rendered by the Petitioner ie., from 07-09-1981 to 31-03-1990 along with the regulars service for the Pension benefits ie., for the period of 19 years 7 months and 27 days.

For Appellants	: Mr.V.Muruganantham, Additional Government Pleader. Assisted by Mr.S.Chandrasekar, Government Advocate.
For 1 st Respondent	: Mr.R.Saravanan in all the WAS



All these writ appeals are directed against the orders passed in various writ petitions which were clubbed together in several batches.

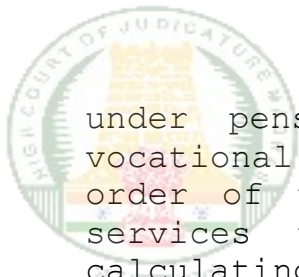
2.The common issue involved in these cases is whether the writ petitioners were entitled to get 50% of their past services rendered by them as part time vocational instructors counted for pensionary benefits and whether such claim is barred under Rule 11(4) of the Tamil Nadu Pension Rules, 1978.

3.We need not labour much to test the correctness of the impugned order in the writ appeals for the simple reason that the learned single Judge while allowing the writ petitions has followed various judgments of the Division Bench on the identical issue.

4.The first of such judgment which has been referred to and relied on is in the case of K.R.Kumar Vs. State of Tamil Nadu and others) in W.P.No.11389 of 2003 etc., dated 08.07.2004 wherein the Hon'ble Division Bench held that the single part time teachers should be treated equally with double part time teachers and all benefits were given to the double part time teachers should be extended to the single part time teachers as well. The said decision had attained finality and it appears that the petitioners therein were granted relief.

5.The cases before this Court are whether the writ petitioners have rendered service before regularisation as single part time vocational instructors and 50% of such service rendered by them is sought to be counted for their pensionary benefits.

6.The contention raised by the writ petitioners was seriously opposed by the appellants-respondents stating that when an identical issue came up for consideration in W.P.No.27017 of 2005 and the said writ petition was disposed of by an order dated 02.02.2006 considering an order passed by the Tamil Nadu Administrative Tribunal dated 29.11.2002 and directed the Government to dispose of the representations of the petitioners therein in the light of the earlier Government Order. Similar such order was passed in W.P.No.39177 of 2002, dated 16.04.2009. Subsequent to the said order, the Government has issued G.O.Ms.No.408, dated 25.08.2009 wherein it was stated that for calculating 50% of the past non provincialised service, consolidated pay, Honorarium, daily wages, employees should have worked in a full time employment. In the meantime, the Government preferred an appeal in Writ Appeal in W.A(MD)No.1702 of 2010, challenging the order in W.P.No.39177 of 2002 dated 16.04.2009, in which the appellants relied upon the Government Order in G.O.Ms.No.118, dated 14.02.1996. The said Government Order states that the service rendered should be in a job involving whole time employment and this condition was sought to be put against the writ petitioners stating that they did not fall



under pensionable establishment and were working as part time vocational instructors and consequently, it was found fault with the order of the learned single Judge in directing 50% of the past services to be taken into consideration for the purpose of calculating the length of service for pension.

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7. During the pendency of the above writ appeal, sub-rule (4) of Rule 11 was introduced in the Tamil Nadu Pension Rules, 1978 by way of amendment. The appeal filed in W.A.No.1702 of 2010 came up before the Hon'ble First Bench to which one of us party (TSSJ) and the Division Bench by judgment dated 20.09.2010 dismissed the writ appeal. The special leave petition filed against the said order in Special Leave Petition CC No.6253 of 2011 was dismissed, by an order dated 15.04.2011.

8. After noting the above referred facts and decision of the Court, the learned single Judge pointed out that it is clear that the contents of the Government Order in G.O.Ms.No.408, dated 25.08.2009 and G.O.Ms.No.118 dated 14.02.1996 are one and the same to the effect that the Government stipulated a condition for extending the benefits by stating that such employment must be in a job involving whole time employment.

9. Thus taking into consideration the decision of the Division Bench, the Writ Court made an elaborate exercise to consider all the facts and circumstances and various orders passed and took note of the fact that the very same contentions which were raised before the Writ Court were already rejected and orders were confirmed by the Division Bench and the appellants-respondents are not justified in relying on Rule 11 (4) of the Tamil Nadu Pension Rules, 1978.

10. The Writ Court further observed that in the light of the decision of the Hon'ble First Bench, the Rule itself stands impliedly overruled. That apart, it was held that if the benefit is not granted, it would amount to discriminating the similarly placed persons. Further, the Writ Court noted that the Government has chosen to extend certain benefits in respect of part time workers as found in G.O.Ms.No.39, 13.6.2011 and therefore, the benefit cannot be denied to part time vocational instructors by stating that the said Government Order is applicable to panchayat clerks and not to vocational instructors.

11. Learned Additional Government Pleader after elaborately referring to the factual matrix placed reliance on the decision of the Division Bench in the case of The Principal Secretary Social Welfare and Nutritious Meal Programme Department and others Vs. M.Palanikani made in W.A.Nos.587 etc., batch dated 03.12.2014 and submitted that the Division Bench has allowed the appeals and set aside the order passed by the learned single Judge wherein relief was granted to count 50% of the services in the noon meal scheme.



12. Firstly, we may point out that the terms of employment of staff in the noon meal scheme are not in pari materia with that of the terms of appointment of vocational instructors. This fact cannot be denied by the appellants. Furthermore, in paragraph 21 of the said judgment, the Court framed the question which has to be decided with a specific reference and a cut off date which had been fixed namely, on 01.04.2003. Admittedly, all the writ petitioners were appointed much prior to the said date and the decision of the Hon'ble Division Bench is factually distinguishable. Thus, we are of the considered view that the impugned order having been rendered by referring to and relying upon the decisions of the Hon'ble First Bench, we find no grounds to take a different view in the matter. Accordingly, the writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu,
School Education Department,
Fort St., George, Chennai 9.
2. The Accountant General (Accounts & Entitlements),
Tamil Nadu, Chennai-18.
3. The Joint Director (Vocational) of School Education,
College Road, Chennai 6.
4. The Chief Educational Officer,
Tallakulam, Madurai District.
5. The Director of School Education,
College Road, Chennai-06.
6. The Chief Educational Officer,
Dindigul District.
7. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
8. The Chief Educational Officer,
Paramakudi, Ramanathapuram District.



9. The Chief Educational Officer,
Thoothukudi Educational District,
Thoothukudi District.

10. The Chief Educational Officer,
Theni District, Theni.

+25cc to M/S.R.SARAVANAN, Advocate SR.No. 53502

+1cc to Special Government Pleader, SR.No. 53656

Writ Appeal (MD) Nos.392, 393 and
389 of 2017, 1595, of 2016, 1046 of 2015,

1363,1364,1365,1366,1367,1368,
1369,1370,1371 of 2014, 676,677,678,
679,680,681,682,683,684 and 685 of 2015

and

C.M.P (MD) Nos.3592 and 3502,3503 of 2017,
11962 of 2016, 2 of 2015, 1,2,2,2,2,2,2,2,2
of 2014, 2 to 2 of 2015 and 3 to 3 of 2015

21.04.2017

JM/GT/12.05.2017/18P/37C