



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2017

CORAM :

THE HON'BLE MR.JUSTICE T.RAJA

W.P(MD) No.12742 of 2017

F.Selvaraj

... Petitioner

Vs.

1. The Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
2. The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai-06.
3. The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai-18.
4. The District Elementary Education Officer,
Nagercoil, Kanyakumari District.
5. The Assistant Elementary Education Officer,
Nagercoil, Kanyakumari District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to count the service rendered by the petitioner as B.T.Assistant in the school run by the Government Rubber Corporation for a period from 21.03.1990 to 02.06.2014 for the purpose of granting pensionary benefits to the petitioner and to pass such further or other orders as this Honble Court.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.D.Muruganandam
Addl. Govt. Pleader

O R D E R

This Writ Petition has been filed by the petitioner, seeking a direction to the respondents to count the service rendered by the petitioner as B.T.Assistant in the school run by the Government Rubber Corporation for a period from 21.03.1990 to 02.06.2014 for the purpose of granting pensionary benefits to the petitioner.



2. The case of the petitioner is as follows:

i) The petitioner was appointed as B.T.Assistant on 21.03.1990 in a Government undertaking school, namely, Government Rubber Corporation Ltd. School (in short "Rubber Corporation School") in Kuttriyar and had been working in the said School till 02.06.2014. Subsequently, pursuant to the decision taken by the Government, four schools run by the Rubber Corporation School had been brought under the direct control of the Government vide G.O.(Ms) No.253 dated 01.10.2009 and the Government again issued a Government Order in G.O.Ms.No.73 dated 03.06.2014 for absorbing all the teachers working in the Rubber Corporation School into Government.

ii) The petitioner, after his absorption, was transferred to Keeriparai Government Middle School on 03.06.2014 and the petitioner had put in a total service of 27 years as B.T.Assistant, out of which, he rendered 24 years of service in the Rubber Corporation School. Therefore, according to the petitioner, his previous 24 years of service rendered in the Rubber Corporation School has to be taken into account for the purpose of grant of pension.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. It is an admitted fact that the petitioner was initially appointed as B.T.Assistant in the Rubber Corporation School against a vacancy on regular pay and worked there for about 24 years between 21.03.1990 and 02.06.2014. Later on, it was the Government, which had taken a policy decision to bring four schools run by the Rubber Corporation under its direct control with further order to absorb all the teachers into Government. Therefore, the stand of the Government that the period rendered by the petitioner after his absorption, viz., after issuance of the Government Order dated 03.06.2014 for absorption of such teachers, will alone be taken into account for counting the pensionary benefits, cannot be accepted and it has no legs to stand.

5. Hence, finding much force in the contention raised by the learned counsel for the petitioner, this writ petition is disposed of with a direction to the respondents to count the services rendered by the petitioner as B.T.Assistant in the school run by the Government Rubber Corporation Limited for the period from 21.03.1990 to 02.06.2014 for the purpose of granting pensionary benefits to the petitioner and the benefits accrued therefrom be granted to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CSIII)

/True Copy/



To:

1. The Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai.
2. The Director of Elementary Education,
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5. The Assistant Elementary Education Officer,
Nagercoil, Kanyakumari District.

+One cc to Mr.M.Gnanagurunathan, Advocate, SR.No.66100

+One cc to The Special Government Pleader, SR.No.66277

ar/rm

RL/8C/3P/SKN/RSK/SAR1/1/8/2017

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