



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2017

CORAM:

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) .Nos.19423 to 19429 of 2017

C.Anbu Kennady	...Petitioner in WP (MD) No.19423/2017
D.Ramamoorthy	...Petitioner in WP (MD) No.19424/2017
D.Sivaji	...Petitioner in WP (MD) No.19425/2017
P.David Sigamony	...Petitioner in WP (MD) No.19426/2017
A.Flora	...Petitioner in WP (MD) No.19427/2017
J.Gnanadeepam	...Petitioner in WP (MD) No.19428/2017
N.Saroja	...Petitioner in WP (MD) No.19429/2017

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of School Education,
D.P.I. Campus, College Road, Chennai.
- 3.The Accountant General (Accounts and Entitlements)
Accountant General Department,
Chennai - 625 018.
- 4.The Chief Educational Officer,
Thanjavur, Thanjavur. ... Respondents in all the Petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India prayed to issue a Writ of Mandamus, directing the respondents herein to take 50% of service rendered by the petitioners (in WP (MD) Nos.19423 to 19428/2017) and Petitioner's husband (in WP (MD) No.19429/2017) respectively, as part time vocational instructors i.e. from 26.08.1988 to 16.10.1992, from 13.8.1984 to 31.3.1990) from 16/6/1980 to 31.3.1990; from 3/11/1980 to 31/3/1990; from 26/11/1981 to 31/3/1990) from 12/9/1982 to 4/10/1996 and from 9/6/1984 to 31/3/1990; respectively, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering Petitioner's representation dated 24.08.2017, 26/8/217, 26/8/2017, 26/8/2017, 26/8/2017, 26/8/2017 and 26/8/2017 respectively within the time limit fixed by this Court.



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For Petitioner : Mr.R.Ragavendran
For R.1, R.2 and R.4 : Mr.R.Velmurugan
Additional Government Pleader
For R.3 : Mr.P.Gunasekaran
Additional Government Pleader

COMMON ORDER

The issue projected in all these writ petitions is one and the same. The petitioners originally joined as part-time vocational instructors and they were subsequently regularised. They had also attained the age of superannuation. The question arose as to how the period of part-time service must be calculated for the purpose of pension. This Court in series of orders held that 50% of service rendered as part time vocational instructor must also be taken into account. The Government was also directed to revise the pensionary benefits and pay arrears accordingly. Therefore, the issue raised in these batch of Writ Petitions is no longer *res integra*, since the earlier Writ Appeals filed in W.A.(MD).Nos.392 of 2015 and etc., were dismissed by the Division Bench on 21.04.2017. Therefore, the writ petition submitted by the writ petitioner will have to be necessarily considered by granting them the pensionary and other benefits as sought for.

2. It is submitted by the learned Standing Counsel that review is pending but as on date the final order passed by the Division Bench is holding the field.

3. Therefore, all these Writ Petitions stand allowed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department, Secretariat, Chennai - 9.
 - 2.The Director of School Education,
D.P.I. Campus, College Road, Chennai.
 - 3.The Accountant General (Accounts and Entitlements)
Accountant General Department, Chennai - 625 018.
 - 4.The Chief Educational Officer, Thanjavur, Thanjavur.
- +One cc to The Special Government Pleader, SR.No.82993
+One cc to M/s.R.Ragavendran, Advocate, SR.No.83207
+One cc to Mr.P.Gunasekaran, Advocate, SR.No.83190

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