

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 01-08-2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT APPEAL No.1633 OF 2018

- 1.The Government of Tamil Nadu,
represented by its Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.
 - 2.The Director of School Education,
Chennai-600 006.
 - 3.The Joint Director (Hr.Secondary),
Vocational,
Chennai-600 006.
- Appellants
- vs
- M.Shanthakumari ... Respondent

Appeal under Clause 15 of the Letters Patent, against
the order dated 19.02.2014, passed in W.P.No.4497 of 2014 on the
file of this Court.

W.P.No.4497 of 2014

Petition filed under section 226 of the Constitution of
India for the issuance of writ of mandamus, Directing the
respondents to include the services rendered by the petitioner
from initial appointment till regularization (i.e.1.9.7979 to
31.3.1990) for the pension purpose

For appellants : Mr.C.Munusamy,
Special Govt.Pleader.

JUDGMENT

(Judgment of the Court was delivered by Huluvadi G.Ramesh,J.)

Heard the learned Special Government Pleader, appearing for the appellants/State.

2. State has filed this appeal, challenging the order, dated 19.02.2014, passed in W.P.No.4497 of 2014 by the learned single Judge, directing the respondents therein, who are the appellants herein, to count 50% of the service rendered by the writ petitioner/respondent herein from initial appointment till regularisation, along with the regular service, for the purpose of pensionary benefits.

3. The Government of Tamil Nadu, vide G.O.Ms.No.712, dated 28.05.1990; G.O.Ms.No.834, dated 23.09.1994, and G.O.Ms.No.221, dated 15.07.1999, regularised the services of the Vocational Instructors and following G.O.Ms.No.130, dated 18.07.2013, and G.O.Ms.No.134, dated 22.07.2013, accorded the benefit of counting of 50% of the temporary service along with regular service for the purpose of pensionary benefits.

4. The learned single Judge, relying on the earlier orders passed by this Court in W.P.Nos.30671 and 30672 of 2013, dated 14.11.2013, (M.Nagarasan and Others v. The State of Tamil Nadu, rep.by Secretary to Government) and W.P.No.32346 of 2013, dated 27.11.2013, (S.Vaidehi v. Government of Tamil Nadu, rep. by Secretary to Government), and also the Government Orders referred to above, directed the authorities to count 50% of the service rendered by the respondent/writ petitioner from initial appointment till regularisation i.e., from 01.09.1979 to 31.03.1990 along with regular service, for the purpose of pensionary benefits. The said direction of the learned single Judge, in our considered opinion, is perfectly in order and cannot be faulted with. Therefore, we do not find any scope to interfere with the order passed by the learned single Judge.

5. Writ Appeal is dismissed in limine. No costs. Consequently, the connected C.M.P.No.13188 of 2018 also stands dismissed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

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

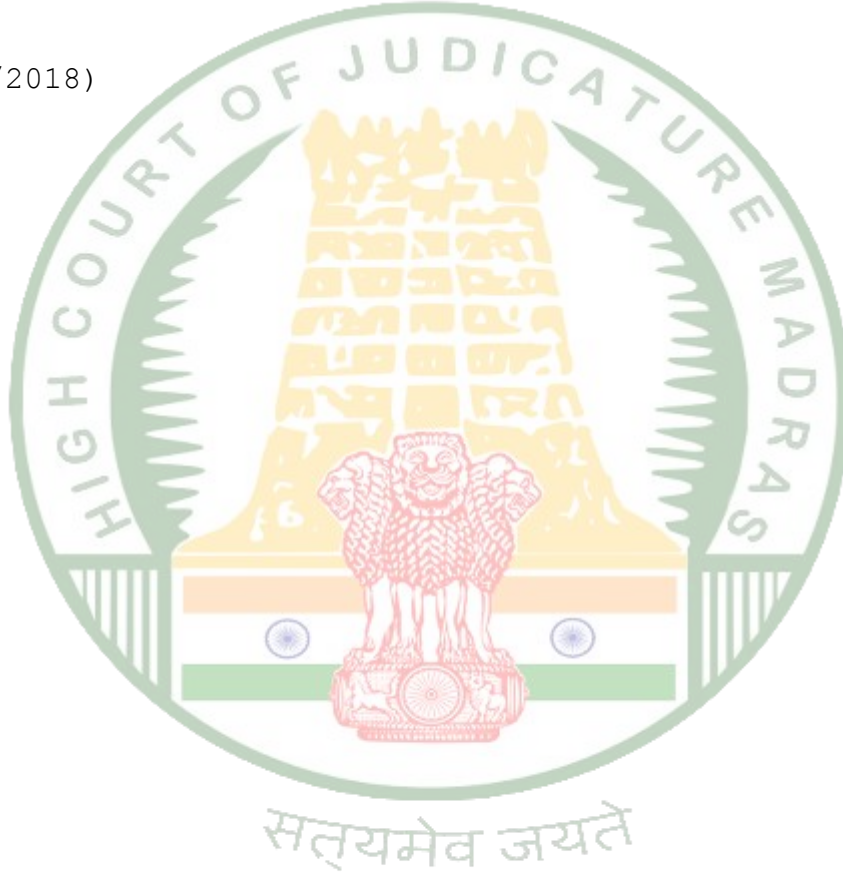
2.The Director of School Education,
Chennai-600 006.

3.The Joint Director (Hr.Secondary),
Vocational,
Chennai-600 006.

+1cc to the Government Pleader, S.R.No.53254

W.A.No.1633 OF 2018

GP(CO)
GSP(04/09/2018)



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