

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1874 of 2018

and

C.M.P.No.15017 of 2018

1. Government of Tamil Nadu,
rep. By Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Joint Director of School
Education (Vocational)
College Road, Chennai 6.
4. The Chief Educational Officer,
Cuddalore District. Cuddalore. ... Appellants

Versus

D.Ramamoorthy ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 4.2.2014 passed in W.P.No.3259 of 2014 on the file of this court.

Prayer in W.P.No.3259 of 2014:

Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to count 50% of petitioners service for a period from 14.10.1982 to 31.3.1990 as Single and Double Part Time Vocational Instructor along with regular service as Vocational

Instructor for a period from 1.4.1990 to 31.3.2003 as qualifying service for the purpose of pensionary benefits and to grant arrear of pension and pensionary benefits.

For appellants : M/S.C.Munusamy
Special Government Pleader

For respondent : Mr.R.Saseetharan

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Government Advocate appearing for the appellants and Mr.R.Saseetharan, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the State challenging the order passed by the learned Single Judge in allowing the claim of the writ petition to count 50% of the writ petitioner's service for a period from 14.10.1982 to 31.3.1990 as Single and Double Part Time Vocational Instructor alongwith regular service as Vocational Instructor for a period from 1.4.1990 to 31.3.2003, as qualifying service for the purpose of pensionary benefits.

3. In a similar circumstance, in W.A.No.882 of 2017, etc., by judgment dated 6.4.2018, this Division Bench has held as under:-

" "15.In terms of the above discussions, we dispose of the writ appeals as under:

(i)50% of the services rendered by the respondents herein, as Part Time Vocational Instructor (either as Single Part time or Double Part Time Vocational Instructor), shall be counted for the purpose of computing pension and other retiral benefits.

(ii)The above said benefit shall be extended only to the respondents in these writ appeals and for the persons similarly situated like that of the respondents herein, whose cases are pending before this Court. Thus it is made clear that the above said benefit shall not be extended to any other future cases that may be filed on this account, on the ground of delay and laches, since all along they have not come up before this Court

and remained as fence-sitters. It is also needless to point out that allowing such cases would amount to opening the pandora's box, touching upon the financial implications of the State.

16.The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

4. Accordingly, the present writ appeal is disposed of in terms of the judgment of this Court in W.A.Nos.882 of 2017 and batch. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
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W.A.No.1874 of 2018

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srg 11/10/2018