

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2018

CORAM:

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

W.A.No.1963 of 2018 and CMP.No.15674/2018

1. Government of Tamil Nadu
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai-9.
2. The Director of School Education,
College Road, Chennai-6.
3. The Joint Director of School Education
(Vocational), College Road, Chennai-6.
4. The Chief Educational Officer,
Dharmapuri District, Dharmapuri. ... Appellants
Vs
P.Gunasekaran ... Respondent

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent against the order dated 17.09.2014 made in W.P.No.25234 of 2014 by a learned Single Judge

WP.25234/2014:

Petition presented to this court to issue a Writ of Mandamus Directing the respondents to count 50% of petitioners service for a period from 20.6.1983 to 31.3.1990 as Double Part Time Vocational Instructor along with the regular service as Vocational Instructor and P.G.Assistant for a period from 1.4.1990 to 31.12.2013 as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits.

For Appellants	:: Mr.C.Munusamy, Spl.G.P.
For Respondent	:: ...

JUDGMENT

Judgment of the Court was pronounced by HULUVADI G.RAMESH,J.)

The Writ Appeal is directed against the order dated 17.09.2014 made in W.P.No.25234 of 2014 by a learned Single Judge.

2. The said Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents therein to count 50 % of the petitioner's service for a period from 13.03.1979, to 31.03.1990, as Single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor and P.G. Assistant for a period from 01.04.1990 to 31.05.2011, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. The said Writ Petition was allowed by the learned Single Judge by a Common Order dated 17.9.2014. Aggrieved over the same, the State is before this Court with this Writ Appeal.

3. The matter is listed today under the caption, ''for admission''.

4. When the matter is called, it is represented by the learned Special Government Pleader appearing for the appellant State that the issue covered in this Writ Appeal has already been decided by this Court in W.A.Nos.882/2016 etc. batch by a Common Judgment dated 06.04.2018.

5. We have perused the said judgment. It is relevant to extract the operative portion of the said decision here 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.''

6. Since the issue raised in this Writ Appeal is also one and the same that of the decision rendered by this Court in W.A.Nos.882/2016 etc. batch dated 06.04.2018, following the above terms, the present Writ Appeal is also disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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TO:

1. The Secretary to Government of Tamil Nadu, School Education Department, Fort St. George, Secretariat, Chennai-9.
2. The Director of School Education, College Road, Chennai-6.
3. The Joint Director of School Education (Vocational), College Road, Chennai-6.
4. The Chief Educational Officer, Dharmapuri District, Dharmapuri.

+1cc to Government Pleader sr.no.66625

W.A.No.1963/2018

nm(co)
nr 25/10/2018