

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4.10.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2106 of 2018
and
C.M.P.No.16536 of 2018

- 1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Finance Department,
Fort St.George, Chennai-600 009.
 2. The State of Tamil Nadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
 - 3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.
 - 4.The Joint Director (Vocational),
Directorate of School Education
DPI Compound, College Road,
Chennai-600 006.
- Appellants

Vs.

1. S.V.Rangasami
2. A.Nallappan
3. R.Rajendran
4. N.Kalidoss
5. T.Chinnasamy
6. A.K.Selvarajan
7. N.Raju
8. M.Chandrakasan
9. G.D.P.Jothikumar
10. A.Ayyappazham
11. A.Subramanian
12. A.Rathinaraj
13. T.S.Sasidharan
14. W.M.Jai Dev
15. G.Murugesan

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16. V.Bhanumathi
17. E.Annamalai
18. D.Swarnambal
19. G.Gnana Selvam Maria
20. Mary Lukose
21. R.N.Seethalakshi

Respondents

Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.No.28713 of 2013 dated 16.12.2013.

WP.NO.28713/2013:

Writ Petition filed under Article 226 of Constitution of India praying for a Writ of Certiorari mandamus calling for the records relating to the letter of the 2nd respondent having Ref. No. 16280/ VE/ 2011-4 dated 14.6.2012 to the 3rd respondent rejecting the request of the 3rd respondent to take the services rendered by part time vocational instructors for the purpose of Pension and quash the same and consequently direct the 4th respondent to send the proposal for computing the 50% service rendered by the petitioners as part time Vocational Instructors drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43 (2) of the Tamilnadu Pension Rules to the 2nd respondent to enable the 1st respondent to sanction the pension to the petitioners .

For Appellants : Mr.C.Munusamy
Special Government Pleader

For Respondents : Ms.C.Uma

JUDGMENT

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

Heard the learned counsel on either side and perused the materials available on record.

2. The issue involved in the writ appeal relates to counting 50% of the services rendered by the respondents herein either as Single Part Time Vocational Instructor or Double Part Time Vocational Instructor, along with regular service as Vocational Instructor, for the purpose of pensionary and other retiral benefits.

3. In a similar circumstances, this court, by order dated 6.4.2018 in W.A.No.882 of 2017 and batch, by relying upon various G.Os. and also the decision of a Division Bench of this Court in W.A.No.359 of 2015 dated 16.3.2015 and that of the Madurai Bench of this Court in W.A.(MD)Nos.392 of 2017 and batch dated 21.04.2017, relating to the issue in question, has held 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."

4. Therefore, there will be an order in this writ appeal also on similar lines. The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To

1. The Secretary to Government,
Finance Department,
Fort St. George, Chennai-600 009.

2. The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

3.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

4.The Joint Director (Vocational),
Directorate of School Education
DPI Compound, College Road,
Chennai-600 006.

+lcc to Government Pleader sr.no.68853

W.A.No.2106 of 2018

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nr 29/11/2018



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