

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.2160 of 2018
and
C.M.P.No.16726 of 2018

1.The Government of Tamil Nadu,
rep. 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 (Higher Secondary)
Vocational,
Chennai-600 006.

Appellants

Vs.

D.Patric Gunaseelan

Respondent

Writ Appeal filed under Clause 15 of Letters Patent,
against the order passed by this Court in W.P.No.4508 of 2014
dated 19.2.2014.

WP Prayer : Writ Peittion filed under Article 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. 1.9.1981 to 31.3.1990) for the pension purpose

For Appellants : Mr.C.Munusamy
Special Government Pleader

JUDGMENT

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

Heard the learned Special Government Pleader appearing for
the appellants 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 respondent 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 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 (Higher Secondary)
Vocational,
Chennai-600 006.

+1cc to Government Pleader SR.No.68847

W.A.No.2160 of 2018

MG (CO)

GMV (26/11/2018)