

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.855 of 2018  
and  
C.M.P.No.7489 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-600 006
- 4 The Chief Educational Officer  
Chennai District Chennai ... Appellants

Versus

V.K.Sattanathan ... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 24.10.2016 passed in W.P.No.16055 of 2016 on the file of this court.

Writ Petition Under Article 226 of the Constitution of India preferred for issuance of a writ of Mandamus to direct the respondents to count 50% of petitioner's service for a period from 16.08.1985 to 15.10.1992 as Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 16.10.1992 till the date of retirement as qualifying service for the purpose of pensionary benefits.

For appellants : Mr.K.Karthikeyan,  
Government Advocate

For respondent : 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 16.8.1985 to 15.10.1992 as Double Part Time Vocational Instructor alongwith regular service as Vocational Instructor for a period from 16.10.1992 till the date of retirement 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(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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- 4 The Chief Educational Officer  
Chennai District Chennai.

+1cc to the Government Pleader, S.R.No.28887

+1cc to M/s. R.Saseetharan, Advocate, S.R.No.28960

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W.A.No.855 of 2018

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srg 22/05/2018