

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.937, 938, 939, 940, 941, 942, 943 and 944 to 946 of 2018
and CMP.Nos.8038, 8039, 8040, 8041, 8042,
8043, 8044, 8045 and 8046 to 8053 of 2018

The State of Tamil Nadu,
rep.by its Secretary to Government,
Finance Department,
Fort St.George, Chennai-600 009.

... 1st Appellant in W.A.No.937 of 2018

The State of Tamil Nadu,
Rep. by Secretary to Government School
Education Department Fort St. George
Chennai-9

...2nd Appellant in W.A.No.937 of 2018
1st Appellant in WA.NO.938/2018 to 946/2018

The Director of School Education
DPI Compound, College Road,
Chennai-6

...3rd Appellant in WA NO.937/2018
2nd Appellant in WA NO.938/2018 to 946/2018

The Joint Director (Vocational)
Directorate of School Education,
DPI Compound, College Road,
Chennai-6

...4th Appellant in WA No.937/2018
3rd Appellant in WA NO.938/2018,
to WA.NO.946/2018.

The Chief Educational Officer
Tiruvannamalai District

... 4th Appellant in WA.NO.938/2018

The Chief Educational Officer
Villupuram District
Villupuram

... 4th Appellant in WA.NO.939/2018

The Cheif Educational Officer
Pudukkottai District,
Pudukkottai

... 4th Appellant in WA.NO.940/2018
and 941/2018

The District Educational Officer
Kovilpatti, Thoothukudi District

... 4th Appellant in WA.NO.942/2018

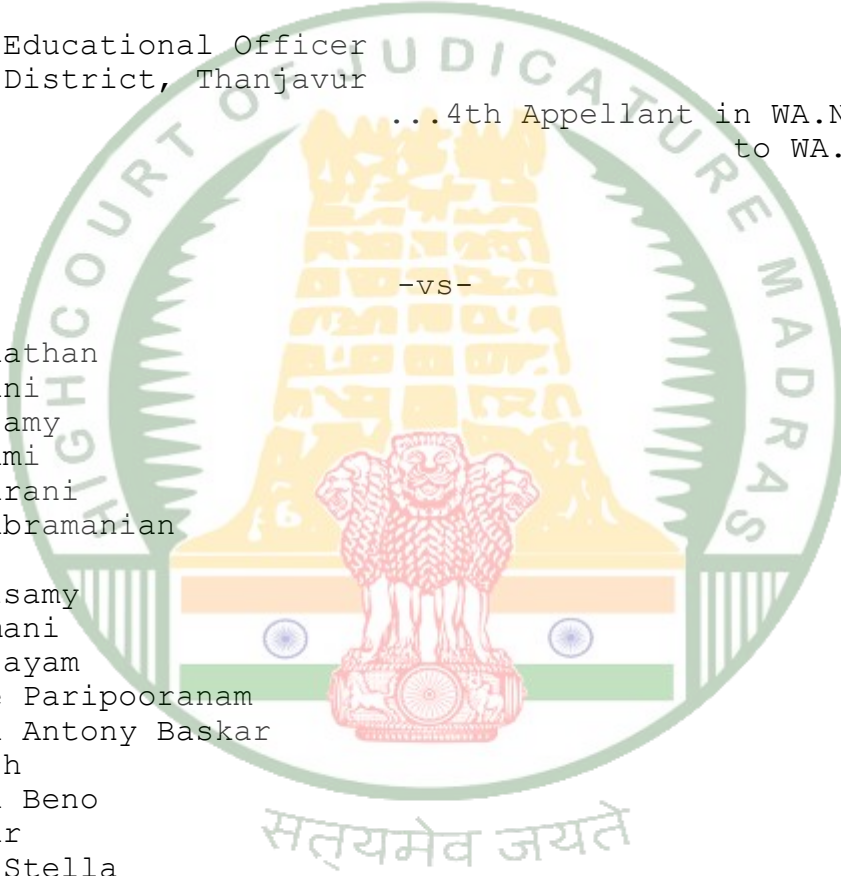
The Chief Educational Officer
Cuddalore District, Cuddalore.

... 4th Appellant in WA.NO.943/2018

The Chief Educational Officer
Thanjavur District, Thanjavur

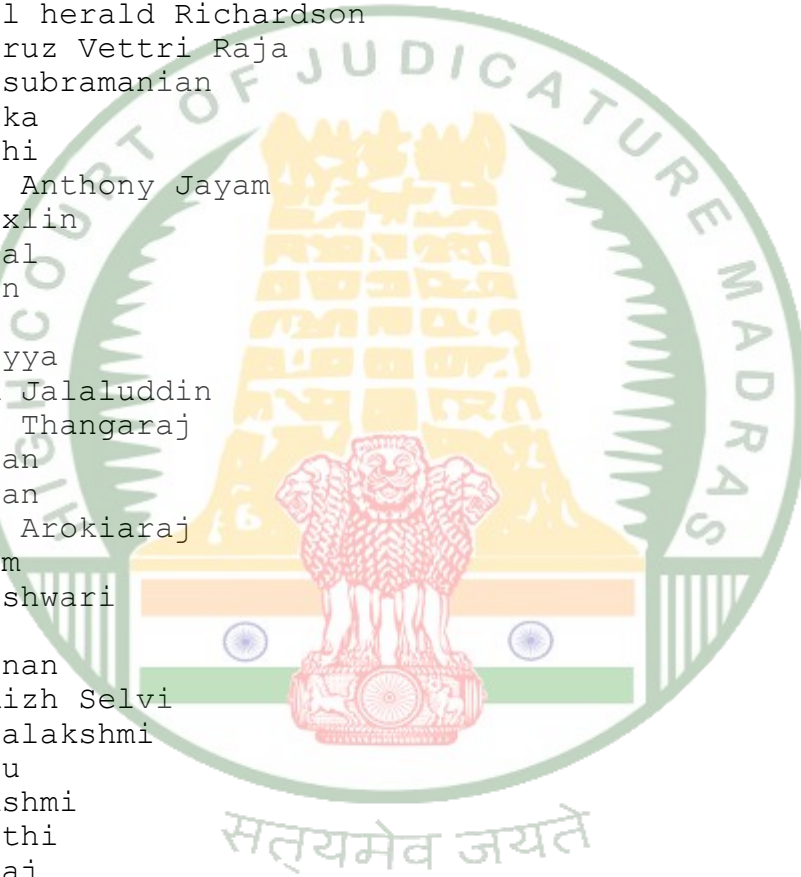
...4th Appellant in WA.NO.944/2018
to WA.NO.946/2018

- 1.C.Viswanathan
- 2.R.Indirani
- 3.M.Kandasamy
- 4.S.Sivasami
- 5.D.Devikarani
- 6.R.Sivasubramanian
- 7.V.Kumar
- 8.M.Palanisamy
- 9.S.Sellamani
- 10.J.Athisayam
- 11.A.Grace Paripooranam
- 12.S.Maria Antony Baskar
- 13.V.Ganesh
- 14.L.Maria Beno
- 15.S.Sundar
- 16.J.Baby Stella
- 17.S.Edward Raja
- 18.J.Prabhakaran
- 19.Y.U.Meera
- 20.K.Nirmala
- 21.B.Rajakumari
- 22.Mariapushpam
- 23.G.Selin Pushparani
- 24.P.Chandra
- 25.B.Savithri
- 26.N.Mala
- 27.K.Ruthiramani
- 28.G.Marudavanan



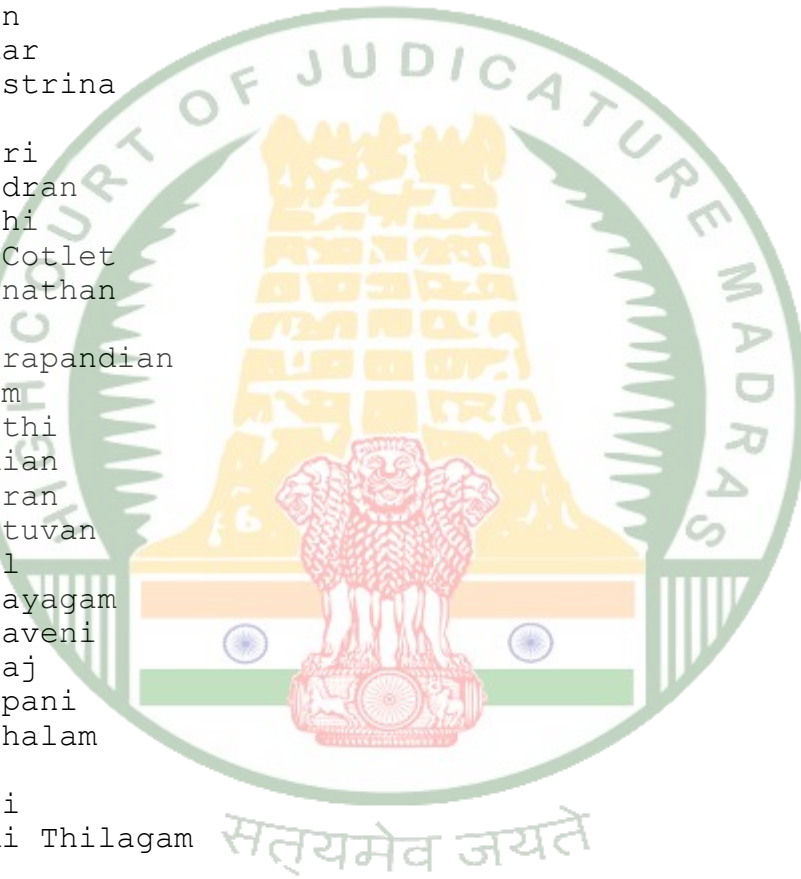
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29.I.Selvi Joyce Mary
30.S.Geetha
31.V.Geetha
32.R.Murugesan
33.D.Thuruvagiri Nayagi
34.S.Arunachalam
35.S.Sathasivam
36.T.Arunachalam
37.S.Josphine Jerald Mary
38.I.Flarance Rajammal
39.C.Jayakumari
40.T.Suyamburajan
41.G.Caldwell herald Richardson
42.D.Balan Cruz Vettri Raja
43.I.Sankarasubramanian
44.E.Chandrika
45.R.Jagajothi
46.S.Varuvel Anthony Jayam
47.P.Mary Rexlin
48.S.Rajagopal
49.S.Murgesan
50.A.Mary
51.K.Chellaiyya
52.P.Mohamed Jalaluddin
53.G.Stephen Thangaraj
54.R.Mariappan
55.S.Damodaran
56.J.F.Maria Arokiaraj
57.S.Manickam
58.N.Bhuvaneshwari
59.S.Ganesan
60.V.Rajakannan
61.P.Senthamizh Selvi
62.K.S.Backialakshmi
63.K.Jayaraju
64.K.Rajalakshmi
65.C.Padmavathi
66.R.Thangaraj
67.A.Kulandaivelu
68.A.Madhuraimuthu
69.M.Varadhan
70.P.S.Murugesan
71.G.N.Shanthi
72.S.Vettrivel
73.P.Valliammal
74.S.Suguna
75.V.Rajan
76.A.Krishnamurthy
77.E.Sridhar
78.R.Ramamoorthy



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79.R.Thamizharasi
80.C.Amarthalingam
81.K.C.Balasubramanian
82.M.Thiagarajan
83.L.Gobi
84.M.Srinivasan
85.A.Selvin
86.S.Thanaseeli Hebisibha
87.P.Shanthi Christoper
88.a.Muthulakshmi
89.M.Aandiyappan
90.P.Suyambulingam
91.P.Iyyappan
92.G.Manisekar
93.S.Prem Jestrina
94.P.Latha
95.A.Savithiri
96.M.N.Rajendran
97.L.Arulmozhi
98.A.Gladys Cotlet
99.K.Senthilnathan
100.Sulaiman
101.A.Soundarapandian
102.K.Kamalam
103.K.R.Shanthi
104.K.Samundian
105.R.Manokaran
106.P.Senguttuvan
107.C.Amsavel
108.S.Vallinayagam
109.S.Krishnaveni
110.V.Selvaraj
111.P.Dhandapani
112.L.Seshachalam
113.A.Ambili
114.K.Sumathi
115.K.Lakshmi Thilagam
116.C.Velraj
117.N.Kalaiyarasan
118.T.Thirumalaisamy
119.N.Radhai
120.K.Nachimuthu
121.P.Karthikeyan
122.C.Murugesan
123.S.Nehru
124.P.Shanmugam
125.N.Gopalsamy
126.R.Padmaja
127.K.Kanagarathinam
128.V.A.Kalaiselvi



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129.P.Vanitha
130.K.Yasodha
131.C.Mariyappan
132.N.Ramu
133.R.Jayaraj
134.P.M.Murugan
135.A.Sivanesan
136.S.Rajalingam
137.V.Kannan
138.A.Jikki Selvarani
139.L.Laila
140.N.Ramasamy
141.M.Palanisamy
142.M.Kalarani
143.S.Parvathi
144.V.Parvathi
145.S.Sundar
146.V.Ganesan
147.D.Muthulakshmi

... Respondents in WA.No.937 of 2018

G.Durairaj ... Respondents in WA.No.938 of 2018

R.Gopalakrishnan ... Respondents in WA.No.939 of 2018

M.Thirunavukkarasu ... Respondents in WA.No.940 of 2018

K.M.Lakshmanan ... Respondents in WA.No.941 of 2018

K.Velusamy ... Respondents in WA.No.942 of 2018

V.Nagarajan ... Respondents in WA.No.943 of 2018

P.R.Mohan ... Respondents in WA.No.944 of 2018

S.Subramanian ... Respondents in WA.No.945 of 2018

P.Raju ... Respondents in WA.No.946 of 2018

W.A.No.937 of 2018 to 946 of 2018 filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.No.33685 of 2013 dated 12.12.2013, WP.No.39427 of 2016 dated 15.11.2016, WP.No.5829 of 2014 dated 26.02.2014, WP.No.7691, 7689, 7692 of 2016 dated 02.03.2016, WP.No.3260 of 2014 dated 04.02.2014, WP.No.23543, 23544 and 23546 of 2014 dated 01.09.2014 respectively.

WP No.33685 of 2013

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of certiorarified mandamus to call 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 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 based on the said proposal from the date of retirement of the petitioners and to enable the concerned authorities to disburse the penions to the petitioners as and when the petitioners retire from service (WA. No. 937/18).

WP No.39427 of 2016

Writ petition has been filed u/s. 226 of the constitution of India praying for issuance of a writ of mandamus to direct the respondents to count 50% of petitioners service for a period from 24.7.1984 to 31.03.1990 as single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 1.4.1990 to 31.7.2016 the date of retirement, as qualifying service for the purpose of pensionary benefits and send a revised pension proposal to the Accountant General for sanction and grant arrears of pensionary benefits (WA. NO.938/18).

WP No.5829 of 2014

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of mandamus directing the respondents to count 50% of petitioners service for a period from 1.9.1983 to 4.10.1996 as Single and Double Part Time Vocational Instructor along with regular service for a period from 5.10.1996 to 30.4.2005, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits (WA. No. 939/18).

WP No.7691 of 2016

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioners service for a period from 01.08.1986 to 15.10.1992 as Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 16.10.1992 to 31.10.2014, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. (WA.NO.940/2018)

WP No.7689 of 2016

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioners service for a period from 20.08.1979 to 31.03.1990 as Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 01.04.1990 to 31.12.2014, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. (WA.No.941/2018)

WP No.7692 of 2016

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioners service for a period from 20.08.1979 to 26.09.1983 as Single and Double Part Time Vocational Instructor along with regular service as P.G.Assistant and Headmaster, Government Higher Secondary School for a period from 27.07.1983 to 31.05.2015, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. (WA.No.942/2018)

WP No.3260 of 2014

Writ petition has been filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioners service for a period from 8.10.1980 to 4.10.1996 as Single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 5.10.1996 to 30.6.2009, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and pensionary benefits (WA.No.943/2018)

WP No.23543 of 2014

This petition is filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioner service for a period from 23.07.1979 to 31.03.1990 as Single Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 01.04.1990 to 31.05.2012, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. (WA.No.944/2018)

WP No.23544 of 2014

This petition is filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioner service for a period from 19.11.1981 to 31.03.1990 as Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 01.04.1990 to 31.10.2010, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits (WA.No.945/2018)

WP No.23546 of 2014

This petition is filed u/s. 226 of the constitution of India praying for a writ of mandamus Directing the respondents to count 50% of petitioner service for a period from 05.10.1979 to 04.10.1996 as Single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor for a period from 05.10.1996 to 31.05.2009, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits. (WA.No.946/2018)

For appellants : Mr.C.Munusamy, Spl.GP (Edn.)
in all the appeals

For R77 & R116 : Mr.R.Saseetharan
For other respondents : Mrs.C.Uma
in WA.No.937 of 2018

For respondent : Mr.R.Saseetharan
in W.A.Nos.938 to 946 of 2018

COMMON JUDGMENT
(Delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2.The issue raised in these writ appeals is squarely covered by the judgment of this Court in W.A.Nos.882, 808 of 2017, 1224, 1395, 1471, 1283 and 1323 of 2016 dated 06.04.2018, wherein this Court has directed as follows:-

"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."

3.Accordingly, these writ appeals stand disposed of in terms of the judgment of this Court in W.A.Nos.882, 808 of 2017, 1224, 1395, 1471, 1283 and 1323 of 2016 dated 06.04.2018. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Finance Department,
Fort St.George, Chennai-9.
2. The Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.
3. The Director of School Education
DPI Compound, College Road,
Chennai-6
4. The Joint Director (Vocational)
Directorate of School Education,
DPI Compound, College Road,
Chennai-6
5. The Chief Educational Officer
Tiruvannamalai District
6. The Chief Educational Officer
Villupuram District
Villupuram
7. The Chief Educational Officer
Pudukkottai District,
Pudukkottai
8. The Chief Educational Officer
Cuddalore District, Cuddalore.
9. The Chief Educational Officer
Thanjavur District, Thanjavur
10. The District Educational Officer
Kovilpatti, Thoothukudi District

+1cc to Mrs.C.Uma, Advocate, S.R.No.29840

+1cc to the Government Pleader, S.R.No.31253 to 31260

W.A.Nos.937, 938, 939, 940, 941, 942,
943 and 944 to 946 of 2018
and CMP.Nos.8038, 8039, 8040, 8041, 8042,
8043, 8044, 8045 and 8046 to 8053 of 2018

GSP (03/07/2018)