

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1504 of 2014
and

M.P. No. 1 of 2015

1. Government of Tamil Nadu
Rep. By its 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
Kancheepuram District,
Kancheepuram
- ...Appellants

A.L. Kanthamani

... Respondent

सत्यमेव जयते

Prayer: Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 28.11.2013 in W.P. No. 32342 of 2013 on the file of this Court. Writ Petition filed under Art 226 of the Constitution of India praying for the issue a writ of mandamus directing the respondents to count 50% of petitioner service for a period from 8.11.1978 to 15.8.1979 and from 16.8.1979 to 11.11.1997 rendered on consolidated pay in the post of single Part Time and Double Part Time Vocational Instructor respectively alongwith the regular service rendered in the post of Vocation Instructor for a period from 12.11.1997 and 30.8.2003 when the petitioner retired from service as qualifying service for the purpose of pensionary benefits and

direct the respondents to grant pension and arrears of pension

For Appellants : Mr.C. Munusamy,
Spl. GP (Edn)

For Respondent : No appearance

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

This appeal has been filed against the order of the learned Single Judge, who, by placing reliance upon the earlier orders passed by this Court, was pleased to allow the writ petition by directing the appellants to count 50% of the services rendered by the respondent on a consolidated pay along with the regular service for the purpose of counting pensionary benefits by passing appropriate orders within a period of 12 weeks from the date of receipt of a copy of the this order.

2. Learned Special Government pleader would fairly submit that the Division Bench of this Court has taken a similar view in tune with the order of the learned Single Judge in W.A.Nos. 882 of 2017 and etc. batch dated 06.04.2018. A reference to the following paragraphs would be apposite:-

"14. In respect of Single Part Time Vocational Instructor, as already discussed above, in the judgment made in W.A.(MD) Nos. 392 of 2017, etc. batch dated 21.04.2017, this Court relied upon the judgment of this Court in the case of W.P. No. 11389 of 20013 etc., dated 08.07.2004 wherein the Hon'ble Division Bench held that the Single Part Time teachers should be treated equally with Double Part Time teachers and all benefits that were given to the Double Part Time teachers should be extended to the Single Part Time teachers as well. The said decision has attained finality. Having taken into consideration all the relevant facts, Government Orders and the judgments of this Court, the said decision has been taken rejecting the plea against extension of the said benefit to the Single Part Time Vocational Instructor, which in the considered opinion of this Court, does not require any interference.

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 retrial 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. In such view of the matter, the writ appeal stands disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ssm

1. The 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,
College Road, Chennai - 600 006.

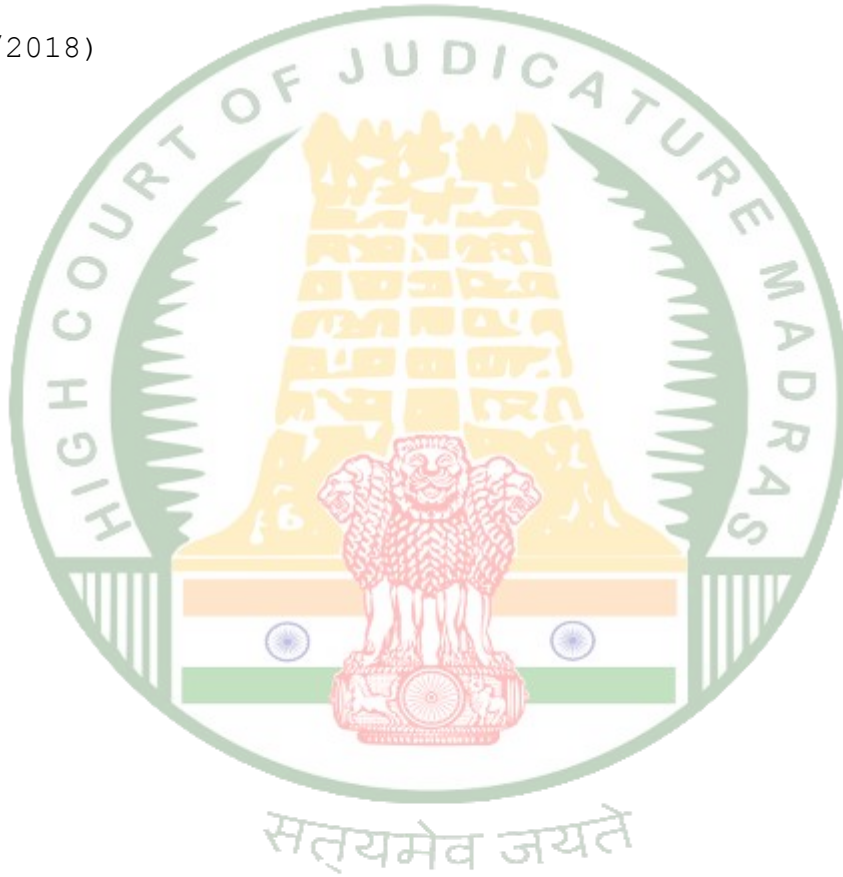
4. The Chief Educational Officer
Kancheepuram District,
Kancheepuram

+1cc to Government Pleader SR.No.80502

W.A. No. 1504 of 2014

KS (CO)

GMV (12/12/2018)



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