

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.08.2018

Coram

THE HON'BLE MR.JUSTICE SATRUGHANA PUJAHARI

Writ Petition No. 17619 of 2018

M.Chinnamuthu

...Petitioner

Vs.

1. State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St. George, Chennai - 9.

2. The Director of School Education,
College Road, Chennai - 6.

3. The Chief Educational Officer,
Chief Educational Office,
Dharmmapur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to count the Time scale of pay service from 09.03.1987 to 17.04.1989 rendered by the petitioner, taking into account of along with regular service calculating pension and other terminal benefits as for the Rule 11 of the Tamil Nadu Pension Rules by considering the representation made by the petitioner dated 18.04.2018.

For Petitioner : Mr. P.Ganesan

For Respondents : Mrs. P.Kavitha
Government Advocate

ORDER

Heard Mr.P.Ganesan, the learned counsel appearing for the petitioner and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents. With the consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The grievance of the petitioner in this case is that he was working as Teacher on contractual basis. But, thereafter he was brought to regular establishment. However, his such

contractual period having not been counted towards his qualifying service for pension as mandated under Rule 11(2) of the Tamil Nadu Pension Rules 1978, though he was retired from service in the meanwhile, he has made a representation to the first respondent on 18.04.2018 to consider the same. But the same having not been considered towards his qualifying service for pension as per the aforesaid Rules, he has come to this Court seeking a direction to take a decision on the representation dated 18.04.2018, made in this regard.

3. The learned counsel appearing for the petitioner submits that since the petitioner has been denied the benefit of Rule 11(2) of the Tamil Nadu Pension Rules 1978, and his representation in this regard has not been considered, the first respondent be directed to take a decision on his representation dated 18.04.2018, in accordance with the law.

4. Mrs. P.Kavitha, learned Government Advocate, who appears for the respondents submits that respondents shall have no objection for consideration of such representation if the same is pending, provided if there is no legal impediment.

5. Considering such submissions of learned counsel appearing for the parties and also going through the materials placed, this Court directs the respondents to take informed and considered decision on the representation of the petitioner dated 18.04.2018 made, ventilating his grievance, in accordance with law, if there is no legal impediment, within a period of eight weeks from the date of receipt of a copy of this order, provided the same is pending till date and communicate such decision to the petitioner. However, it is made clear that this Court has expressed no opinion on merit of such representation in any manner.

6. With the aforesaid order, this Writ Petition stands disposed of. No Costs.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mrm/dn

To

1. State of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St. George, Chennai - 9.

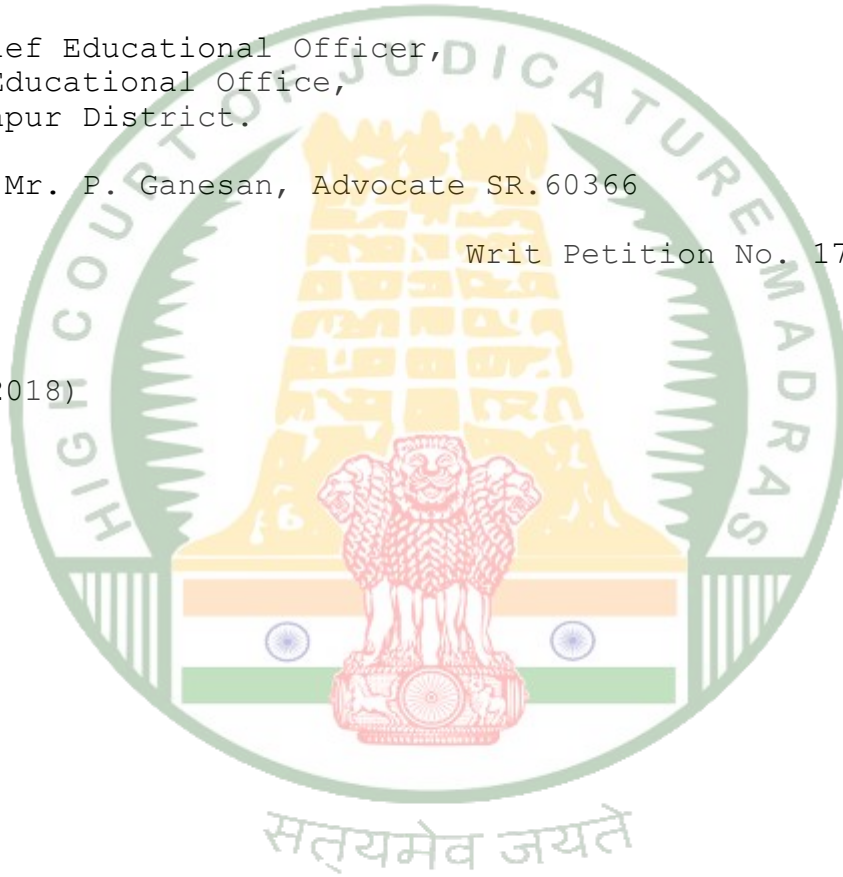
2. The Director of School Education,
College Road, Chennai - 6.

3. The Chief Educational Officer,
Chief Educational Office,
Dharmmapur District.

+ 1 cc to Mr. P. Ganesan, Advocate SR.60366

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(CS-IX)
EU(20/09/2018)



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