

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.07.2018
Coram

The Hon'ble Mr. Justice Satrugana Pujahari

Writ Petition No. 18252 to 18254 of 2018
and
W.M.P.Nos.21565, 21568 and 21570 of 2018

1. A.G. Rajasekaran
2. K.Sathyabama
3. S.Johnson Jesudas
4. M.Ganesan
5. C.Sampath
6. V.Parimala Devi
7. K.R.Nalini
8. D.Ravichandran
9. N.Padmavathi
10. S.Ramalingam
11. V.Yesudoss
12. A.S.Dhanalakshmi
13. A.Velayutham.

...Petitioners 1 to 13 in
W.P.No.18252 of 2018

1. D.Kumar
2. A.Mahavishnu
3. P.Nagarajan
4. C.Gunasekaran
5. M.Chandrasekar
6. P.Ravikumar
7. J.Magimai Meri Esthar

...Petitioners in W.P.No.18253 of 2018

M.Rajakumari

...Petitioner in W.P.No.18254 of 2018

Vs.

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

2. The State of Tamil Nadu,
Rep by its Deputy Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

...Respondents in all W.Ps.

Prayer in W.P.Nos.18252 and 18253 of 2018

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorated Mandamus calling for records relating to the letter of the 2nd respondent having Lr. No. 16280/VE/2011-4, Dt. 14-06-2012 to the 3rd respondent rejecting the request of 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 1st and 2nd respondents to sanction the pension to the petitioners who worked as part time vocational instructors before their service were regularized and absorbed as Vocational Instructors by reckoning 50% service of the petitioners as part time vocational instructors for calculating the qualifying service for pension and for calculating quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to enable the concerned authorities to disburse the pension to the petitioners as and when the petitioners retire from service.

Prayer in W.P.Nos.18254 of 2018

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorated Mandamus calling for records relating to the letter of the 2nd respondent having Lr. No. 16280/VE/2011-4, Dt. 14-06-2012 to the 3rd respondent rejecting the request of 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 1st and 2nd respondents to sanction the family pension to the petitioner, whose husband Mr.M.Mani, worked as part time vocational instructors before his service were regularized and absorbed as Vocational Instructors by reckoning 50% service of Mr.M.Mani as part time vocational instructors for calculating the qualifying service for pension and for calculating quantum of family pension under Rule 43(2) of the Tamil Nadu Pension Rules to enable the concerned authorities to disburse the family pension to the petitioner from the date of death of Mr.M.Mani.

For Petitioners in all W.Ps. : Mr. C.Uma

For Respondents in all W.Ps. : Mrs.P.Kavitha
Government Advocate

COMMON ORDER

Heard Mr. C.Uma, the learned counsel appearing for the petitioners and Mrs.P.Kavitha, the learned Government Advocate, who accepts notice on behalf of the respondents. With consent of the learned counsel on either side, these Writ Petitions are taken up for disposal.

2. The grievance of the petitioners in these Writ Petitions is to include 50% of the services rendered by them as Part Time Vocational Instructors for the purpose of calculating the qualifying service for pension.

3. It is submitted by the learned counsel appearing for the petitioners that the issue involved in these Writ Petition is covered by the decision of the Hon'ble Division Bench of this Court in W.A.Nos.882, 808 of 2016, etc., (Batch) in re The Government of Tamil Nadu, rep by its Secretary and others Vs. K.Pachaiyappan and others), dated 06.04.2018. However, the aforesaid decision clearly indicates that the provision of counting of 50% of the past service rendered as Part Time Vocational Instructors shall only be applicable to the cases pending either on the date on which, the order was passed or earlier to the same i.e. on or before 06.04.2018 and shall not apply to future cases. The case on hand having filed on 16.07.2018, i.e., after 06.04.2018, this Court is of the view that the aforesaid order is detrimental to entertain the prayer of the petitioners herein. Accordingly, these Writ Petitions stand dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Finance Department, Fort St. George,
Chennai - 600 009.

2. The Deputy Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

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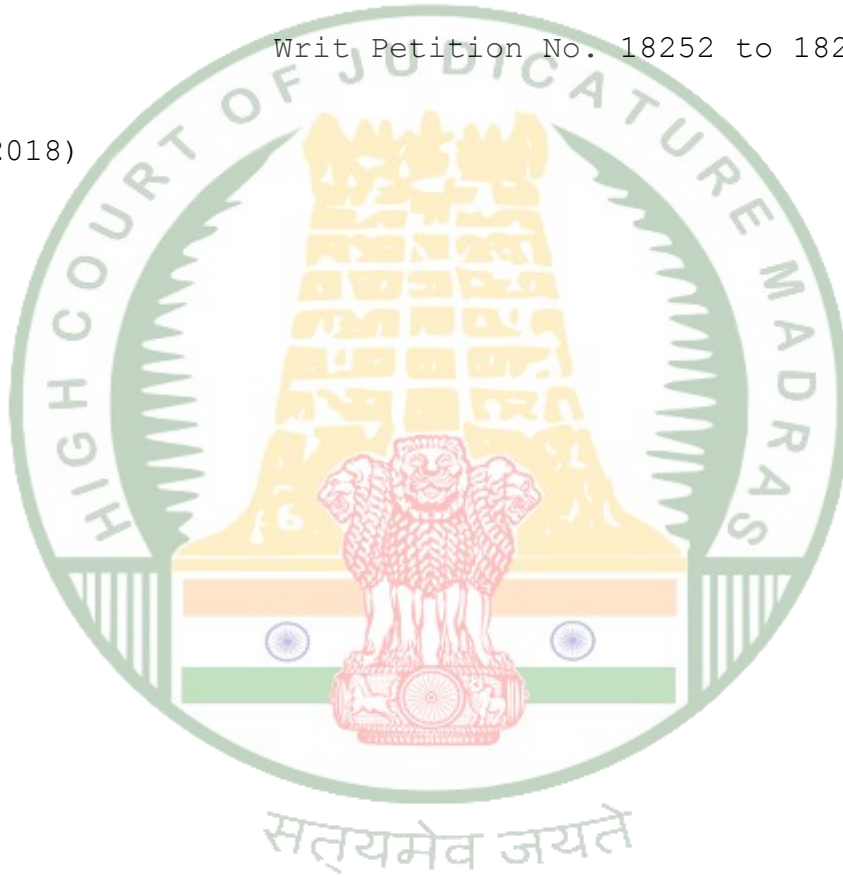
3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to Mr.C.UMA, Advocate, S.R.No. 47424
+1cc to the Government Pleader, S.R.No. 48490

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EV(CO)
TR(20/08/2018)



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