

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.1031 of 2016
and C.M.P.No.13461 of 2016

1.Government of Tamil Nadu
Rep. by its Secretary to Government
School Education Department
Fort St.George, Secretariat,
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
Vellore.

...Appellants

Vs

J.Venugopal

...Respondent

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in W.P.No.25237 of 2014 dated 17.09.2014.

WP.NO.25237/2014:

This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to count 50% of petitioners service for a period from 10.9.1979 to 28.11.1985 as Single and Double Part Time Vocational Instructor along with the regular service as P.G.Assistant for a period from 29.11.1985 to 31.3.2012 as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits

For Appellants : Mr.K.Karthikeyan
Government Advocate
For Respondent : Mr.R.Suseetharan

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The issue involved in this intra court appeal is covered by the decision of the Division Bench dated 20 September, 2010 in W.A.No.1702 of 2010.

2. The Division Bench made it clear that the employees are entitled to count their earlier service on consolidated pay for the purpose of fixing pension. The said judgment was followed by the Division Bench in its judgment dated 16 March, 2015 in W.A.No.359 of 2015.

3. The learned Single Judge taking into account the law laid down by the Division Bench of this Court allowed the Writ Petition filed by the respondent. Even after the disposal of the Writ Petition in W.P.No.25237 of 2014, another Division Bench considered the issue independently and opined that the employees who were regularised subsequently are entitled to count their earlier service as regular daily wagers/contract basis for the purpose of fixing pension.

In view of the combined decision of the coordinate Bench, we dismiss the intra court appeal filed by the State. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

gms

To

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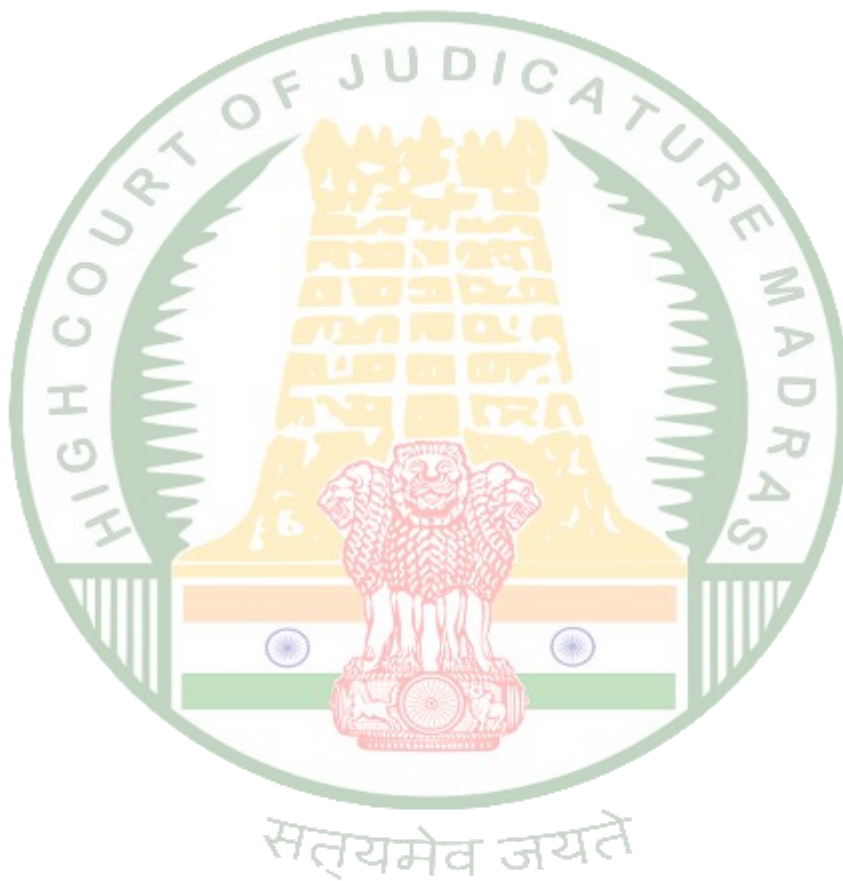
3.The Joint Director of School Education (Vocational)
College Road, Chennai 600 006.

4.The Chief Educational Officer
Vellore.

+ 1 cc to Mr.R.Suseetharan Advocate, SR.4684
+ 1 cc to The Govt.Pleader, SR.5533

W.A.No.1031 of 2016

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