

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.718 of 2016
and C.M.P.No.9447 of 2016

1. State of Tamil Nadu
rep. By its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
 2. Director of School Education,
Chennai - 6.
 3. Chief Educational Officer,
Salem, Salem District. Appellants
- vs-
- N.Angappan Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed in W.P No.272 of 2008 dated 23.02.2011.

Prayer in WP. 272 of 2008: Petition filed under Article 226 of the constitution of India praying this court for the issuance of Writ of Certiorarified mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No. 13260/V1/2007 dated ---.04.2007 and quash the same and direct the 2nd respondent to forward the papers to the 1st Respondent so as to enable the 1st respondent to take decision and pass orders so as to enable the petitioner the get pension counting half of his part time service.

For Appellants : Mr.K.Karthikeyan, G.A.
For Respondent : Mr.R.Saseetharan

J U D G M E N T

[Judgment of the Court was delivered by K.K. SASIDHARAN,J.]

The learned single Judge directed the appellants to take into consideration the temporary service rendered by the respondent along with regular service for the purpose of counting the total period of service for pension and other

benefits. The order is under challenge at the instance of the State.

2. When the intra Court appeal is taken up for hearing, the learned counsel for the respondent has produced a copy of the judgment dated 06.04.2018 in W.A.Nos.882 of 2016 etc. batch (The Government of Tamil Nadu and others V. The Chief Educational Officer and others) in and by which the Division Bench opined that the employees are entitled to count 50% of the earlier temporary service with the regular service for the purpose of computing the total pensionary service.

3. Since the issue has already been decided by the Division Bench in the judgment referred to above, nothing survives for adjudication in the present intra court appeal.

4. Accordingly, by following the judgment dated 06.04.2018 in W.A.Nos.882 of 2016 etc. Batch (The Government of Tamil Nadu and others V. The Chief Educational Officer and others) the intra Court appeal is dismissed. No costs. Consequently, the connected miscellaenous petition is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

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+1cc to Government Pleader SR.No.32857

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NRL(CO)
GN(22/05/2018)