



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 23.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.3033 of 2018

S.Murugan,
Vocational Instructor,
S.S.V.Higher Secondary School,
Mathapattanam,
Koviloothu Post,
Tirunelveli District.

...Petitioner

Vs.

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

2.The Accountant General,
(Accounts and Entitlement),
Tamil Nadu, Chennai-18.

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

4.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

5.The District Educational Officer,
Cheranmahadevi,
Tirunelveli.

6.S.S.V. Higher Secondary School,
Mathapattanam,
Koviloothu Post,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take 50% of the services rendered by the petitioner as part time vocational teacher between 20.09.1996 and 09.06.02 i.e. for a period of five years, 8 months and 19 days along with the regular service for the purpose of calculating the pension by considering his representation dated 13.09.2017 and pass suitable orders on merits and in accordance with law within the period that may be stipulated by this court.



For Petitioner : Mr. Jerin Mathew
for Mr. M. E. Ilango
For Respondents : Mrs. Srimathy
Special Government Pleader

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ORDER

Heard the learned counsel on either side.

2. By consent of both the parties, the main Writ Petition is taken up for final disposal.

3. The petitioner was appointed as Single Part Time Vocational Instructor and he was working in the said capacity between 20.09.1996 and 09.06.2002 i.e. for a period of five years, 8 months and 19 days on consolidated pay. Thereafter, his services were regularised on 10.06.2002. The petitioner has now reached the age of superannuation and also retired from service. His demand is that the services put in by them as Part Time Vocational Instructor had also to be counted to the extent of 50% for computing his pension. He submitted a representation in this regard on 13.09.2017. Since it was not considered, this Writ Petition came to be filed.

4. It is seen that the issue on hand is no longer res integra. This Court had allowed the writ petitions filed by similarly placed retired employees. Following the same, this Court declares that the petitioner is entitled to the relief sought for in this Writ Petition.

5. The sixth respondent is directed to submit a revised pension proposals by taking into account 50% of the service rendered by the petitioner as Part Time Vocational Instructor within a period of three weeks to the second respondent through the fifth respondent. The second respondent on receipt of the said proposal shall issue appropriate sanction orders within a period of four weeks thereafter. The consequential benefits shall also be disbursed immediately thereafter.

6. The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

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



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(Accounts and Entitlement),
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Cheranmahadevi,
Tirunelveli.

+1cc to M/S.M.E.Ilango, Advocate SR.No. 51173

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tsg

JM/SV MMS/SAR 4/26.02.2018/3P/7C