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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.02.2018
CORAM:
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) Nos. 3359 to 3367 of 2018

R.NEELAKANDAN ... Petitioner in WP(MD)No. 3359/ 2018
C.THANGAMMAL ... Petitioner in WP(MD)No. 3360/ 2018
R.SITHALAKSHMI ... Petitioner in WP(MD)No. 3361/ 2018
S.KANNAN ... Petitioner in WP(MD)No. 3362/ 2018
T.VENKATARAMAN ... Petitioner in WP(MD)No. 3363/ 2018
K.S. MUNIASAMY ... Petitioner in WP(MD)No. 3364/ 2018
R.S.KANNAN ... Petitioner in WP(MD)No. 3365/ 2018
K.RAJARAM ... Petitioner in WP(MD)No. 3366/ 2018
P.MUTHURAKKU ... Petitioner in WP(MD)No. 3367/ 2018

- Vs. -

1.THE STATE OF TAMIL NADU REP. BY ITS SECRETARY TO GOVERNMENT, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, CHENNAI - 9.

2.THE DIRECTOR OF SCHOOL EDUCATION, D.P.I.CAMPUS, COLLEGE ROAD, CHENNAI.

3.THE ACCOUTANT GENERAL (ACCOUNTS AND ENTITLEMENTS), O/O. ACCOUNTANT GENERAL, CHENNAI - 625 018.

4.THE CHIEF EDUCATIONAL OFFICER TIRUNELVELI, TIRUNELVELI.

... Respondents in WP(MD)Nos.3359 to 3361& 3363/2018

1.THE STATE OF TAMIL NADU REP. BY ITS SECRETARY TO GOVERNMENT, SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, CHENNAI - 9.

2.THE DIRECTOR OF SCHOOL EDUCATION, D.P.I.CAMPUS, COLLEGE ROAD, CHENNAI.

3.THE CHIEF EDUCATIONAL OFFICER, THANJAVUR, THANJAVUR DISTRICT

... Respondents in WP(MD)No. 3362/ 2018

1.THE STATE OF TAMILNADU, REP BY ITS SECRETARY TO GOVT. SCHOOL EDUCATION DEPARTMENT, SECRETARIAT, CHENNAI-9.

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2.THE DIRECTOR OF SCHOOL EDUCATION, D.P.I.CAMPUS, COLLEGE ROAD,CHENNAI.

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3.THE ACCOUNTANT GENERAL (A&E) O/O.ACCOUNTANT GENERAL, CHENNAI-625 018.

4.THE CHIEF EDUCATIONAL OFFICER, RAMANATHAPURAM, RAMANATHAPURAM.

... Respondents in WP(MD)Nos.3364&3365,3366,3367/ 2018

Prayer in WP(MD). 3359/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. from 17.07.1984 to 31.03.1990, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26.08.2017.

Prayer in WP(MD). 3360/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. from 15/07/1979 to 31/03/1990, drawing consolidated pay along with regular service from calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the T.N.Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation date 26/08/2017.

Prayer in WP(MD). 3361/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e.from 01/09/1987 to 04/10/1996, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamilnadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioner's representation dated 26/08/2017.

Prayer in WP(MD). 3362/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. from 27.07.1981 to 31.03.1990, drawing consolidated pay along with regular service for calculating the qualifying service, for the

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purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26.08.2017.

Prayer in WP(MD). 3363/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. from 19.08.1982 to 31.03.1990, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26.08.2017.

Prayer in WP(MD). 3364/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing to the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e.from 24/10/1978 to 31/03/1990 drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the T.N. Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26/08/2017 within the time limit.

Prayer in WP(MD). 3365/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e.from 01/06/1985 to 22/09/1994, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamilnadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26/08/2017.

Prayer in WP(MD). 3366/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. From 04.10.1982 to 31.03.1990, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26.08.2017.

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Prayer in WP(MD). 3367/ 2018 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the petitioner as part time vocational instructors i.e. from 01.10.1981 to 31.03.1990, drawing consolidated pay along with regular service for calculating the qualifying service, for the purpose pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 26.08.2017.

For Petitioner : Mr. R.Ragavendran in all the Writ Petitions

For Respondent Nos.1, 2 & 4 : Mrs.S.Srimathy Special Government Pleader

For Respondent No.3 : Mr.J.Gunaseelan Muthiah, Additional Government Pleader

(in all the writ petitions)

COMMON ORDER
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Heard the learned counsel on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal at the stage of admission itself.

3. The issue projected in all these writ petitions is one and the same. The petitioners originally joined as part-time vocational instructors and they were subsequently regularised. They had also attained the age of superannuation. The question arose as to how the period of part-time service must be calculated for the purpose of pension. This Court in a series of orders held that 50% of service rendered as part time vocational instructor must also be taken into account. The Government was also directed to revise the pensionary benefits and pay arrears accordingly. Therefore, the issue raised in these batch of writ petitions is no longer *res integra*. Since the earlier Writ Appeals filed in W.A.(MD).Nos.392 of 2015 and etc., were dismissed by the Division Bench on 21.04.2017, therefore, the writ petitions submitted by the writ petitioners will have to be necessarily considered by granting them the pensionary and other benefits as sought for.

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4.It is submitted by the learned Standing Counsel that review is pending but as on date the final order passed by the Division Bench is holding the field.

Therefore, all these Writ Petitions stand allowed. No costs.

Sd/-
Assistant Registrar(W)

/True Copy/

Sub-Assistant Registrar

To:

1.The Secretary to Government,
State of Tamil Nadu, School Education Department,
Secretariat, Chennai -9.

2.The Director of School Education,
D.P.I Campus, College Road, Chennai.

3.The Accountant General (Accounts and Entitlements),
O/o. the Accountant General, Chennai - 625 018.

4.The Chief Educational Officer, Tirunelveli, Tirunelveli.

5.The Chief Educational Officer, Thanjavur

6.The Chief Educational Officer, Ramanathapuram

+9 ccs to M/s.R.Ragavendran, Advocate, SR.No.51448
+One cc to The Special Government Pleader, SR.No.51919

kmi

RL/17C/5P/SV/MMS/SAR2/14/3/2018

ORDER MADE IN

W.P. (MD) Nos. 3359 to 3367 of 2018

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