



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.A. (MD) .No.23 of 2015
and
M.P. (MD) No.1 of 2015

1. The Secretary to Government,
Department of School Education,
Chennai-600 009.
2. The Director of Teachers Education,
Research and Training,
DPI, Campus,
College Road,
Chennai-600 006.
3. The Principal,
District Institute of Education and Training,
Munaichipatti-627 355
Tirunelveli District. ... Appellants

Vs.

T.Balakrishnamony ... Respondent

PRAYER: This appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 09.10.2014 in W.P. (MD) No.16618 of 2014.

Prayer in WP (MD) No.16618/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent i.e. The Secretary to Government, School Education Department, Chennai to dispose of the petitioners representation dated 26.07.2014 in the light of G.O (2d) NO. 09 School Education (Nee.Va 3(2) Department dated 28.03.2014 read with Rule 11(4) of the Tamil Nadu Pension Rules within a specified time frame that may be fixed by this Honourable Court.

For Appellants	: Mr.V.R.Shanmuganathan, Special Government Pleader
For Respondent	: Mr.S.Visvalingam

**JUDGMENT**

(Judgment of the Court was delivered by T.S.SIVAGNANAM, J)

WEB COPY

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.S.Visvalingam, learned counsel appearing for the respondent.

2.This appeal by the State is directed against the order passed in W.P.(MD)No.16618 of 2014 dated 09.10.2014. The writ petition was filed by the respondent to direct the appellants to dispose of the representation dated 26.07.2014, in the light of the G.O.(2D) No.09 School Education (Ne.Va.3(2)) Department dated 28.03.2014, read with Rule 11(4) of the Tamil Nadu Pension Rules. The issue is as to whether the respondent/writ petitioner is entitled to calculate 50% of the earlier service, rendered on daily wages, for the purpose of computing the length of service, for pension. The Court took into consideration the earlier decision and the fact that the respondents have been paid due salary and the pension proposal has to be submitted. There is no error in the order passed by the Writ Court, as the respondents are entitled to seek 50% of service on daily wages, only in cases where the employee was a Part Time Employee, the Government has taken the different stand.

3.Thus, for the above reasons, we find that no ground is made out to interfere with the order passed by the Writ Court. In the result, the writ appeals fails and is dismissed. The appellants are directed to forward the pension proposal to the Accountant General, Tamil Nadu.. within a period of four weeks from the date of receipt of copy of this order. No Costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Governement,
Department of School Education,
Chennai-600 009.
2. The Director of Teachers Education,
Research and Training,
DPI, Campus,
College Road,
Chennai-600 006.



3. The Principal,
District Institute of Education and Training,
Munaichipatti-627 355
Tirunelveli District.

WEB COPY

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 54612

MRN

TE/KK/SAR-2 : 28/03/2018 : 2P/5C

W.A.(MD).No.23 of 2015 and
M.P.(MD)No.1 of 2015
12.03.2018