



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2018

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CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD) .Nos.15200 to 15209 of 2018

G.Rathinamony	... Petitioner in WP(MD)No.15200/2018
C.Stella Mabel	... Petitioner in WP(MD)No.15201/2018
T.Thankam	... Petitioner in WP(MD)No.15202/2018
Y.Padma	... Petitioner in WP(MD)No.15203/2018
S.Ganesan	... Petitioner in WP(MD)No.15204/2018
R.Hariharan	... Petitioner in WP(MD)No.15205/2018
S.Sivalingam	... Petitioner in WP(MD)No.15206/2018
T.Karuppasamy	... Petitioner in WP(MD)No.15207/2018
V.Gnanapirakasam Selvaraj	... Petitioner in WP(MD)No.15208/2018
R.Subramoniam	... Petitioner in WP(MD)No.15209/2018

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, 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. : Respondents 1 to 3 in all cases
4. The Chief Educational Officer,
Kanyakumari District,
Nagercoil. : 4th Respondent in
WP(MD)Nos.15200 to 15203/2018 &
15206 & 15209/2018

The Chief Educational Officer,
Tirunelveli,

<https://hcservices.hcourtsgov.in/hcservices/>
Tirunelveli District.

: 4th Respondent in
WP(MD)No.15204, 15205 & 15208/2018



The Chief Educational Officer,
Tuticorin,
Tuticorin District.

: 4th Respondent in WP(MD)No.15207/2018

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5. The Accountant General of Tamil Nadu,
Office of the Accountant General,
Chennai-600 018.

: 5th Respondent in all cases

6. The Sub Treasury Officer,
Sub Treasury Office,
Vilavancode,
Kanyakumari District.

: 6th Respondent in
WP(MD)Nos.15200 & 15202/2018

The Sub Treasury Officer,
Sub Treasury Office,
Eraniel,
Kanyakumari District.

: 6th Respondent in
WP(MD)Nos.15201 & 15203/2018

The District Educational Officer,
O/o. The District Educational Office,
Tenkasi, Tirunelveli District.

: 6th Respondent in
WP(MD)No.15204/2018

The District Educational Officer,
O/o. The District Educational Office,
Tirunelveli District.

: 6th Respondent in
WP(MD)Nos.15205 & 15208/2018

The District Educational Officer,
O/o. The District Educational Office,
Nagercoil, Kanniyakumari District.

: 6th Respondent in
WP(MD)Nos.15206 & 15209/2018

The District Educational Officer,
O/o. The District Educational Office,
Tuticorin District.

: 6th Respondent in
WP(MD)No.15207/2018

The Headmaster,
S.M.S.S.Government Boys Higher Secondary School,
Sengottai - 627 809,
Tirunelveli District.

: 7th RESPONDENT
IN WP(MD)No. 15204/2018



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The Headmaster,
Government Girls Higher Secondary School,
Eruvadi, Tirunelveli 627 103

: 7th RESPONDENT
IN WP (MD) No. 15205/ 2018

The Headmaster,
Government Higher Secondary School,
Thazhakudy,
Kanyakumari District - 629 901

: 7th RESPONDENT
IN WP (MD) No. 15206/2018

The Headmaster,
Government Higher Secondary School,
Mudivaithandal,
Tuticorin District.

: 7th RESPONDENT
IN WP (MD) No. 15207/2018

The Headmaster,
Government Higher Secondary School,
Moolaikaraipatti 627 354,
Tirunelveli District.

: 7th RESPONDENT
IN WP (MD) No. 15208/2018

The Headmaster,
Government Higher Secondary School,
Thazhakudy,
Kanyakumari District - 629 901

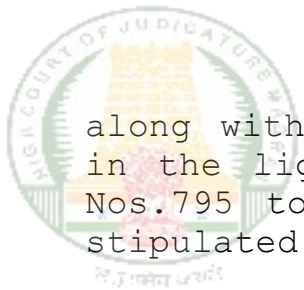
: 7th RESPONDENT
IN WP (MD) No. 15209/ 2018

Prayer in WP (MD) Nos. 15200 to 15203 of 2018 :

Writ Petitions are filed under Article 226 of Constitution of India, issue a Writ of Mandamus, directing the respondents herein to re-fix petitioner's pension by counting 50% of the petitioner's part-time Vocational Instructor service between 29.08.1979 to 04.10.1996, 01.07.1981 to 04.10.1996, 01.06.1987 to 04.10.1996 & 04.06.1980 to 11.11.1997 and disburse arrears of pension from 01.05.2015, 01.07.2012, 01.05.2011 and 01.06.2013 respectively onwards.

Prayer in WP (MD) Nos. 15204 to 15209 of 2018 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to re-fix the petitioners pension by including the 50% of the service rendered by the Petitioner as Part Time Vocational Instructor in consolidated pay



along with regular service with all other consequential benefits in the light of the Judgment of this Hon'ble Court in W.P.(MD) Nos.795 to 797 of 2018 dated 12.02.2018 within the time period stipulated by this Hon'ble Court.

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For petitioners : Mr.E.V.N.Siva in W.P.(MD).Nos.
15200 to 15203 of 2018
For Petitioners : Mr.T.Lajapathi Roy in W.P.
(MD).Nos.15204 to 15209 of 2018
For R1 to R4 & R6 : Mr.K.Saravanan
Government Advocate
For R5 : Mr.P.Gunasekaran
(In W.P.(MD).Nos.15200 to 15203/2018)

For R1 to R4, R6 & R7: Mr.K.Saravanan
Government Advocate
For R5 : Mr.P.Gunasekaran
(In W.P.(MD).Nos.15204 to 15209/2018)

COMMON ORDER

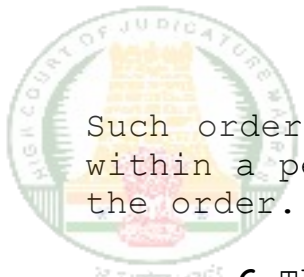
Heard the learned counsel on either side.

2.By consent of both parties, the main Writ Petitions themselves are taken up for final disposal at the stage of admission.

3.The petitioners were appointed as Part time Vocational Instructors on various dates in different schools. They were subsequently appointed as regular Vocational Instructors. They have been working in that capacity ever since. They have all reached the age of superannuation. The prayer now made is that 50% of the services rendered by them as Part-time Vocational Instructors should be calculated for pensionary benefits. In this regard, the petitioners have given individual representations and the same have not been considered. Therefore they approached this Court by filing these Writ Petitions.

4.The learned counsel appearing for the petitioners would submit that the issue is no longer *res integra* and that orders accepting such prayers have been passed in a number of decisions.

5.Be that as it may, since orders are passed at the admission stage, this Court is not in a position to straight away allow these Writ Petitions. It is for the second respondent / Director of School Education, Chennai, to pass orders and consider the petitioners' request for taking into consideration of 50% of the services rendered by them as part-time Vocational Instructors.



Such orders shall be passed on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of the order.

6. These Writ Petitions stand disposed of with this direction. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
Department of School Education,
Fort St. George, 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,
Kanyakumari District, Nagercoil.
5. The Chief Educational Officer,
Tirunelveli.
6. The Chief Educational Officer,
Tuticorin, Tuticorin District.
7. The District Educational Officer
Tenkasi, Tirunelveli District.
8. The District Educational Officer,
Tirunelveli District.
9. The District Educational Officer,
Nagercoil, Kanyakumari District.
10. The District Educational Officer,
Tuticorin District.
11. The Accountant General of Tamil Nadu,
Office of the Accountant General, Chennai-600 018.
12. The Sub Treasury Officer,
Sub Treasury Office, Vilavancode,
Kanyakumari District.
13. The Sub Treasury Officer,
Sub Treasury Office,
Eraniel, Kanyakumari District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 73041
+ 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 73161
+ 4 CC TO Mr.E.V.N.SIVA, ADVOCATE IN SR No. 72861

TSG

TE/SKN/SAR-4 : 01/08/2018 : 5P/20C