



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

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W.P (MD) No.1890 of 2013

Parameswari

... Petitioner

Vs.

1. The Director of School Education (Elementary)
College Road, Chennai - 600 006.

2. The District Elementary Educational Officer,
Tuticorin.

3. The Assistant Elementary Educational Officer,
Pudur, Vilathikulam Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to settle the retirement benefits of the petitioner with interest for the same and also direct the 1st respondent to take into account the service of the petitioner as Supervisor from 26.03.1985 to 21.08.1989 in the office of the State Adult Education Programme for calculating the retirement benefits including Pension.

For Petitioner	: Mr.G.Kandha Vadivelan
For Respondents	: Mr.R.Sethuraman, Special Government Pleader

ORDER

The relief sought for in this writ petition is for a direction to direct the respondent to settle the retirement benefits due to the writ petitioner, taking into account the services rendered by the writ petitioner as Supervisor from 26.03.1985 to 21.08.1989 in the post of the State Adult Education Programme. .

2.The learned Counsel appearing on behalf of the writ petitioner states that the writ petitioner was appointed as Supervisor in the Office of the State Adult Education Programme, Tiruppathur from 26.03.1985. The writ petitioner was absorbed in the post of Secondary Grade Teacher with effect from 31.10.1989. The services rendered by the writ petitioner from the year 1985 to 1989 was not taken into consideration for the purpose of calculating the qualifying service.



3.The learned Special Government Pleader appearing on behalf of the respondents states that the writ petitioner was appointed as Supervisor on 26.03.1985, on consolidated pay and he was not appointed on regular establishment. Thus, the full services cannot be taken into account.

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4.This Court is of an opinion that Government of Tamil Nadu amended, Rule 11 of The Tamil Nadu Pension Rules, 1978. According to the amended Rule, 50 % of the services shall be taken into account for the purpose of calculating the qualifying services.

5.This being the factum of the case, the writ petitioner has to submit a representation setting out the service particulars and other details within a period of three weeks from the date of receipt of a copy of this order and on receipt of such representation from the writ petitioner, the first respondent is directed to consider the same in accordance with the terms and conditions stipulated in Rule 11 of The Tamil Nadu Pension Rules and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition stands disposed of. However, there shall be no orders as to costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director of School Education (Elementary)
College Road, Chennai - 600 006.
2. The District Elementary Educational Officer,
Tuticorin.
3. The Assistant Elementary Educational Officer,
Pudur, Vilathikulam Taluk,
Tuticorin District.

+1cc to Spl.Government Pleader Sr.No.49847

DSK

VB/JC/SAR2/22.03.2018/2P/5C