

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.30809 of 2008

M.A.Sundar Raj

.. Petitioner

-vs-

1.The Secretary to Government,
Education Department,
Chennai 600 009.

2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai 600 009. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling records from the first respondent relating to the impugned letter No.37544/S2/2006-1 dated 01.04.2008 and quash the same and direct the first respondent to pass a special G.O. to include the period of service rendered by the petitioner in the State of Andhra Pradesh in the pensionable period of service.

For Petitioner:: Mr.S.Ravi

For Respondents:: Mr.K.Karthikeyan,
Government Advocate

ORDER

The writ petition has been filed challenging the correctness of the impugned letter No.37544/S2/2006-1 dated 01.04.2008 passed by the Secretary to Government, Education Department, the first respondent herein refusing the request of the petitioner to count the services rendered by him as a Teacher from 01.10.1953 till 19.11.1964.

2.Learned counsel appearing for the petitioner would submit that the petitioner was initially appointed in a Private Aided School as Higher Grade Teacher on 01.06.1950 in the composite State of Madras and after bifurcation in the year 1953, the School, where the petitioner worked, became the part of the State of Andhra Pradesh. Subsequently, on 20.11.1964, the petitioner got an appointment in the Gumudipoondi Panchayat Union School and retired from service as a Headmaster on 31.12.1988. Learned counsel appearing for the petitioner further submitted that when the impugned order passed by the first respondent itself clearly shows that from 01.06.1950 to

31.05.1953, the petitioner was working in the composite State of Madras and from 01.06.1953 to 19.11.1964, he was working in the Government Aided School in the Andhra Pradesh, there is no justification on the part of the respondents to refuse the request of the petitioner to count the services rendered by the petitioner in the Government Aided School, in the state of Andhra Pradesh from 01.10.1953 to 19.11.1964.

3.Learned Government Advocate appearing for the respondents submitted that the petitioner worked in a Private Aided School as a Higher Grade Teacher from 01.06.1950 in the composite State of Madras and after bifurcation in the year 1953, the respondent department could not trace out the records of the petitioner. Therefore, they are unable to count the services rendered by the petitioner from 01.10.1953 to 19.11.1964.

4.The explanation offered by the learned Government Advocate for the respondents cannot be accepted. Merely for the reason that the second respondent by letter dated 04.09.2007 addressing the first respondent stated that they are not able to get the copy of the relevant G.O. passed by the Government in this regard. Because, after receiving the letter of the second respondent, the Government of Tamil Nadu cannot pass the impugned G.O. stating that the copies of previous G.O. passed by the Government to other individuals was not available, hence, the request of the petitioner to count the services rendered from 01.10.1953 to 19.11.1964 cannot be refused. Since the Accountant General of Tamil Nadu has admitted that three years of petitioner's service namely from 01.06.1950 to 31.05.1953 has been rendered in the erstwhile composite State of Madras along with the service rendered by the petitioner in the State of Tamil Nadu for the purpose of paying the pension, this Court directs the respondents to count the services rendered by the petitioner in the Private Aided School as a Higher Grade Teacher from 01.06.1953 to 19.11.1964 namely, the time during which the petitioner served in a Private Aided School in the composite State of Madras. If such calculation is made, the petitioner will be able to get full pension. Accordingly, the writ petition is allowed and the impugned order is quashed. No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

vga

To

1.The Secretary to Government,
Education Department,
Chennai 600 009.

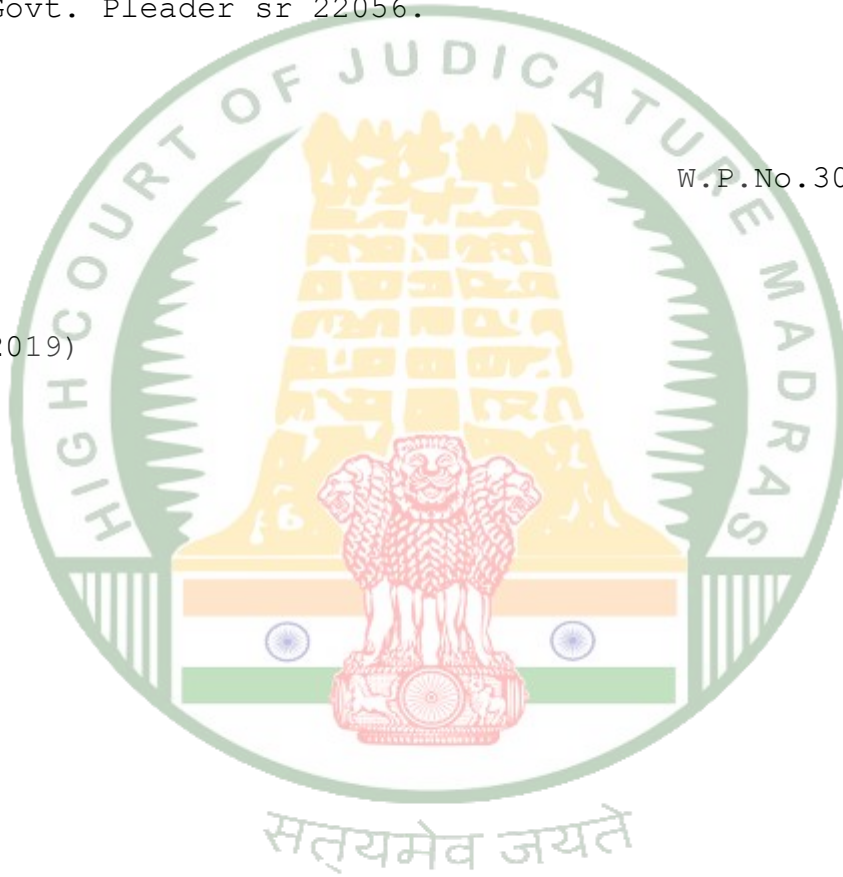
2.The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai 600 009.

+1 CC to Mr.S.Ravi, Advocate sr 21309.

+1 CC to Govt. Pleader sr 22056.

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MR(CO)
SP(12/04/2019)



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