

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9429 of 2019
W.M.P.No.10007 of 2019

S.Gurukarappa

..Petitioner

vs

- 1.The Government of Tamil Nadu
Represented by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
Chennai-6.
3. The Joint Director of School Education,
(Higher Secondary Education)
Chennai-6.
4. The Accountant General (A&E),
Tamil Nadu, Anna Salai,
Chennai-600 018.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarifid Mandamus to call for the records relating to second respondent proceeding in Pro.Na.Ka.No.36500/R1/E2/2014 dated 27.11.2014, to quash the same and to issue consequential directions to the second respondents to take into account half of the services of the petitioner from 03.08.1992 to 31.05.2006 on consolidated pay basis along with regular service from 01.06.2006 to 31.07.2015 for reckoning the total qualifying service for pension and to bring him under the purview of Tamil Nadu Pension Rules and to grant pension to the Petitioner on that basis and disburse the arrears thereof from 01.08.2015 onwards with interest.

For Petitioner : Mr.M.Ravi
For Respondents: Mr.A.Rajaperumal
1 to 3 Additional Government Pleader

O R D E R

The order of rejection dated 27.11.2014 rejecting the claim of the writ petitioners to count 50% of the services rendered under the Parent Teacher Associations is under challenge in the present writ petition.

2. The writ petitioner was initially appointed as a B.T.Assistant in Government Higher Secondary School by the Parent Teacher Association. The consolidated pay fixed for the petitioner was paid from out of the funds maintained by the Parent Teacher Association. Subsequently, the writ petitioner was regularly appointed by the Authority concerned and he is now working in a sanctioned post as a permanent teacher.

3. The grievance of the writ petitioner is that 50% of the services rendered by him as a B.T.Assistant under the control of the Parent Teacher Association is to be reckoned for the purpose of counting the qualifying services for grant of pensionary and other benefits.

4. The learned counsel for the writ petitioner also submitted that though the initial appointment of the writ petitioner was in the parent teacher Association, he is eligible to get the benefit of 50% of the services to be reckoned for the purpose of grant of pensionary and other benefits.

5. This Court is of the considered opinion that as far as the appointment made by the Parent Teacher Associations, the same cannot be construed as an appointment made by the State, more specifically by the competent authorities of the Education Department. For counting the benefit of 50% of services, the employee ought to be appointed strictly by the competent authority of the State on a temporary basis or on consolidated pay. The Parent Teacher Associations appointments are not akin to the appointments made by the competent authorities and such private emergency circumstances can never be considered as a service rendered with the Government and therefore, persons who were appointed by the Parent Teacher Associations are not entitled to the benefits available under the Tamil Nadu Pension Rules.

6. Under these circumstances, the order of rejection passed by the respondents are in consonance with the provisions of the Tamil Nadu Pension Rule.

7. This being the factum, the writ petitioner is not entitled to claim 50% of the services rendered by him under the appointment of the Parent Teacher Associations.

8. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssb

To

1. The Principal Secretary to Government,
Government of Tamil Nadu
School Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
Chennai-6.
3. The Joint Director of School Education,
(Higher Secondary Education)
Chennai-6.
4. The Accountant General (A&E),
Tamil Nadu, Anna Salai,
Chennai-600 018.

+1 CC to Mr.M.Ravi, Advocate sr 32246.

+1 CC to The Govt. Pleader sr 33399.

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सत्यमेव जयते

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RV(CO)
SP(13/05/2019)