

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.7 of 2018
and
C.M.P.No.118 of 2018

1. The Government of Tamil Nadu
represented by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
 3. The Joint Director of School Education
(Vocational), Chennai - 600 006.
 4. Chief Educational Officer,
Chennai District, Chennai.
- Appellants

Vs

S.Vasantha

..... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 19.02.2014 made in W.P.No.4698 of 2014.

Prayer in W.P.No.4698 of 2014:- Writ Petition filed under Article 226 of the Constitution of India, praying to direct the respondents to count 50% of petitioner service for a period from 24.9.1984 to 7.12.1999 rendered on consolidated pay in the Post of Part Time Vocational Instructor along with regular service rendered in the Post of Vocational Instructor Grade II for a period of 8.12.1999 to 30.9.2002 when the petitioner retired from service as qualifying service for the purpose of pensionary benefits and direct the respondents to grant pension and arrears of pension.

For Appellants : Mr.C.Munusamy
Special Government Pleader

For Respondent : Mr.R.Saseetharan

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The learned single Judge issued a mandamus to the appellants herein to count 50% of the part time service rendered by the respondent on a consolidated pay along with regular service for the purpose of pensionary benefits. The said order is challenged in this intra Court appeal.

2. We heard the learned Special Government Pleader for the appellants. We have also heard the learned counsel for the respondent.

3. The issue as to whether 50% of the service on consolidated basis could be taken into account for counting the total service for the purpose of pension came up before the Division Bench of this Court in State of Tamil Nadu V. M.Nagarasan and others (Judgment dated 26.03.2019 in W.A.No.980 of 2019).

4. The Division Bench after considering string of Government Orders including G.O.Ms.No.194, School Education (SE7-1) Department dated 12.09.2018 disposed of the appeal with certain directions.

5. The case of the respondent being similar in nature, she is entitled to the benefit of the judgment in State of Tamil Nadu V. M.Nagarasan and others (Judgment dated 26.03.2019 in W.A.No.980 of 2019).

6. Accordingly, by following the judgment of the Division Bench in State of Tamil Nadu V. M.Nagarasan and others (Judgment dated 26.03.2019 in W.A.No.980 of 2019), the intra Court appeal is disposed of with the following directions:

(i) the appellants shall verify the service particulars of the respondent and if the same are found to be in order, necessary orders for sanction of the eligible amount of pension shall be expeditiously passed and communicated to the respondent by 30.09.2019 and

(ii) the arrears of pension shall be paid to the respondent by 15.10.2019.

No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

1. The Secretary to Government
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+1cc to Mr.R.Saseetharan, Advocate, SR.No.66816
+1cc to the Govt.Pleader, Vide Sr.No.66720

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Kak (24/09/2019)

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