

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.33057 and 33058 of 2014

G.Selvaraj ...Petitioner in W.P.No.33057/2014

K.Thangaian ...Petitioner in W.P.No.33058/2014

Vs

1.The Government of Tamil Nadu
rep.by Secretary to Government
School Education Department,
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,
Pudukottai District, Pudukottai.

...Respondents in both the W.Ps

Prayer: - W.P.No.33057 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to count 50% of the petitioner's service for the period from 17.09.1982 to 31.03.1990 as Double Part Time Vocational Instructor along with regular service as Vocational Instructor for the period from 01.04.1990 to 31.01.2014, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits.

Prayer: - W.P.No.33058 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to count 50% of the petitioner's service for the period from 08.08.1985 to

15.10.1992 as Single and Double Part Time Vocational Instructor along with regular service as Vocational Instructor for the period from 16.10.1992 to 31.08.2014, as qualifying service for the purpose of pensionary benefits and to grant arrears of pension and other pensionary benefits.

For Petitioner : Mr.R.Saseetharan
in both W.Ps.

For Respondents : Mrs.P.Kavitha,
in both W.Ps. Government Advocate

COMMON ORDER

The case of the petitioners in these writ petitions is that they have rendered their services as Part Time Vocational Instructors in the School Education Department and thereafter retired from service in the year 2014. According to the petitioners, they are entitled to the benefit of Section 11(4) of the Tamil Nadu Pension Rules by counting 50% of services rendered on consolidated pay along with regular service. The petitioners has also relied upon several orders of this Court in the writ petitions as well as in the writ appeals in support of their entitlement to the benefit of Section 11(4) of the Tamil Nadu Pension Rules. Hence they have filed these writ petitions for the above stated relief.

2.The learned counsel for the petitioners relied upon the Division Bench Judgment of this Court in W.A.Nos.882 of 2017 etc.batch dated 06.04.2018, wherein, in paragraph-15, it has been held as under:

"15.In terms of the above discussions, we dispose of the writ appeals as under:

(i)50% of the services rendered by the respondents herein, as Part Time Vocational Instructor (either as Single Part time or Double Part Time Vocational Instructor), shall be counted for the purpose of computing pension and other retiral benefits.

(ii)The above said benefit shall be extended only to the respondents in these writ appeals and for the persons similarly situated like that of the respondents herein, whose cases are pending before this Court. Thus it is made clear that the above said benefit shall not be extended to any other future cases that may be filed on this account, on the ground of delay and laches, since all along they have not come up before this Court and remained as fence-

sitters. It is also needless to point out that allowing such cases would amount to opening the pandora's box, touching upon the financial implications of the State."

3.The learned Government Advocate appearing for the respondents has submitted that following the above Division Bench judgment of this Court, the Government has passed an order in G.O.Ms.No.194 School Education Department dated 12.09.2018, entitling the said benefit. She also submitted that these writ petitions have been filed in the year 2014 and as per the Division Bench judgment of this Court, the relief would cover the writ petitions, pending till 06.04.2018.

4.Admittedly, the petitioners have approached this Court in the year 2014. It is also seen that the petitioners have made representations dated 23.09.2014 to the first respondent in this regard. Hence, the first respondent is directed to consider the representations of the petitioners dated 23.09.2014 in the light of the Division Bench judgment of this Court in W.A.Nos.882 of 2017 etc.batch dated 06.04.2018 and also the order passed by the Government in G.O.Ms.No.194 School Education Department dated 12.09.2018, and pass appropriate orders, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petitions are disposed of with the above direction. No costs.

KM

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
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,
Pudukottai District, Pudukottai.

+2CCs to Mr.R.Saseetharan, Advocate, S.R.No.12390
+1cc to the Government Pleader, S.R.No.12845

W.P.Nos.33057 and 33058 of 2014

Kak(06/03/2019)