

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.24558 of 2019 &
W.M.P.Nos.24238, 24240, 24242 of 2019

1. J.Prabhu
2. K.S.Sambath Nagarajan
3. S.Ravichandar,
4. S.Kamban
5. M.Asokan
6. N.Kumar
7. S.Shanthi
8. S.Manoharan
9. V.Somasundaram
10. C.Krishnan
11. T.Magesh
12. G.Muthuselvan
13. I.Antony Jayaseela Raj
14. R.Ramalingam
15. T.Krishnamoorthy
16. S.Vasudevan
17. T.Sekar
18. P.Navaneethakrishnan
19. A.Ganasekar
20. A.Ramesh
21. R.Balamurugan

.. Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance(Pay Cell) Department,
Fort St. George, Chennai 600 009.
2. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600 009.
3. The Director of School Education,
DPI Compound, College Road,
Chennai 600 006.

4. The Joint Director (Vocational),
 Directorate of School Education,
 DPI Compound, College Road,
 Chennai 600006.

.. Respondents

Prayer .: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus to call for the records relating to the G.O of the 2nd respondent having G.O.No.194 of 2018 dated 12.09.2018 and quash the same and consequently, direct the 4th respondent to send the proposal for computing the 50% in my service rendered as part time Vocational Instructors drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to the 2nd respondent to enable the 1st respondent to sanction the pension to the petitioners based on the said proposal from the date of retirement and to enable the concerned authorities to disburse the petitioner to him.

For Petitioner : Mr.S.Senthilnathan

For Respondents : Mrs.V.Annalakshmi
 Government Advocate for
 R1 to R4

ORDER

This writ petition has been filed challenging the G.O.Ms.No.194, School Education Department, dated 12.09.2018 on the ground that the GO has arbitrarily fixed the date of filing of the cases as 06.04.2018, in order to consider the service rendered as a Part-time Vocational Instructors towards the qualifying service for pension.

2. The petitioners were working as Part-time Vocational Instructors on a consolidated pay. They joined the school in the year 1988 as Part-time Vocational Instructors and their services were regularised on 31.05.2007 with effect from 16.10.1992. The petitioners ultimately, retired from their service. The petitioners wanted the benefit of G.O.Ms.No.408, issued by Finance (Pension) Department, dated 25.08.2009, in order to take into consideration the 50% of the service rendered by them as Part-time vocational Instructor for the purpose of calculation of pension.

3. In the meantime, some of the similarly placed Vocational Instructors filed writ petitions before this Court and the same was allowed. The Government had challenged the same by filing Writ Appeals and those Writ appeals were disposed of by issuing some directions on 06.04.2018. The same has been

challenged before the Hon'ble Supreme Court. In the meantime, the G.O.Ms.No.194 dated 12.09.2018, came to be passed by stating that the benefits will be given only to those cases which are pending on or before 06.04.2018. On the ground of discrimination, the present writ petition has been filed challenging the above said Government Order.

4. Heard the learned counsel appearing for the petitioner and Mrs.V.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

5. It is unnecessary for this Court to go into all the grounds that have been raised in this writ petition, in view of the latest judgement that has been passed by the Hon'ble Full Bench of this Court in WA Nos.1218 of 2018 etc., batch dated 03.12.2019. The Hon'ble Full Bench has categorically held that 50% of the Services of the Part-time employees can be taken into account for the purpose of granting pension only to those employees who were regularised on or before 01.04.2003. The Hon'ble Full Bench categorically held that it will not apply to persons who have been regularised subsequent to the said cut off date.

6. In the present case, it is admitted by all the writ petitioners that they were regularised as Part-time Vocational Instructors only in the year 2007. Therefore, the claim made by the petitioners cannot be considered, in view of the Judgement of the Hon'ble Full Bench of this Court.

7. In the result, the relief sought for in the above writ petition cannot be granted by this Court and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu,
Finance(Pay Cell) Department,
Fort St. George, Chennai 600 009.

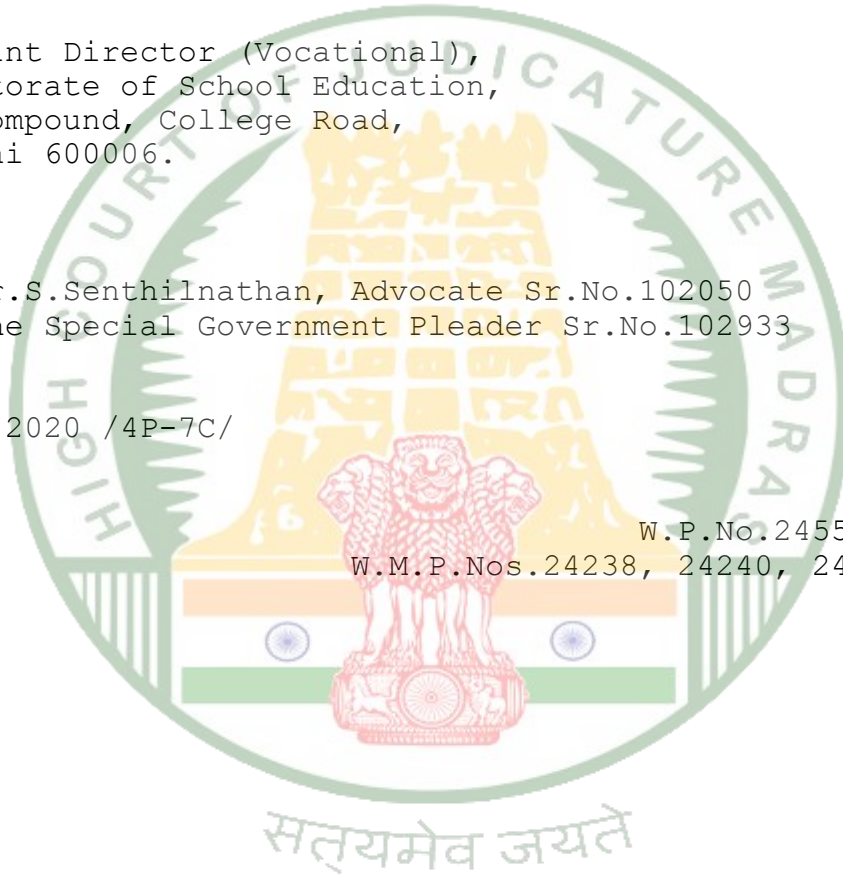
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2. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
3. The Director of School Education,
DPI Compound, College Road,
Chennai 600 006.
4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai 600006.

+1cc to Mr.S.Senthilnathan, Advocate Sr.No.102050
+1cc to The Special Government Pleader Sr.No.102933

AKM/28.01.2020 /4P-7C/

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