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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2019

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

W.A.No.1396 of 2017
and
C.M.P.No.19081 of 2017

The Government of Tamilnadu,
rep. by the Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009.

... Appellant

Vs.

Tamil Nadu Secondary Grade Trained
Technical Teachers Association,
rep. by its General Secretary P.Vellaichamy
1548-A, South Street, Kuruvikarampai,
Thanjavur District.

... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent
against the order passed by the learned single Judge of this
Court in W.P.No.23241/2015 dated 31.07.2015.

W.P.No.23241/2015:

Writ Petition filed under Article 226 of the Constitution of
India for the issuance pf Writ of Certiorarified Mandamus, to
call for the records relating to the Order dated 7.10.2014
passed by the respondent in Letter No.13588/ Neva2(2)/14 and
quash the same as illegal and unsustainable and direct the
respondent to issue necessary Government Order for counting 50%
of the service rendered as Part Time Vocational Instructor for
pensionable purpose.

For Appellant : Mr.R.Prathapkumar
Additional Government Pleader

For Respondent : Mr.R.Govindaraj



J U D G M E N T

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

The order passed by the Government rejecting the claim made by the Tamil Nadu Secondary Grade Trained Technical Teachers Association was challenged before the Writ Court in W.P.No.23241/2015. The learned single Judge allowed the writ petition, resulting in filing this Appeal.

2. We are of the view that the association has no locus standi in a matter of this nature. In case any of the employees are aggrieved, they should come before the Court after taking up the matter with the Government. It is not for the association to come up without any particulars about the members of the association or the details of the teachers, claiming that earlier services should be counted for the purpose of pension. We are therefore, of the view that the learned single Judge was not justified in entertaining the writ petition.

3. The order passed by the learned single Judge in W.P.No.23241/2015 dated 31.07.2015 is set aside. The writ petition is dismissed.

4. The intra court appeal is allowed. However, we make it clear that this judgment will not stand in the way of the aggrieved employees from approaching the concerned department or the Court for appropriate relief. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

vsi

To

1. The Principal Secretary
School Education Department,
Government of Tamil Nadu
Fort St. George,
Chennai - 600 009.

+1 CC to The Govt. Pleader sr 54498.

+1 CC to Mr.R.Govindaraj, Advocate sr 53090.

W.A.No.1396 of 2017

PA(CO)

SP(05/08/2019)