

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORUM

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

Writ Appeal No.1619 of 2017
and
C.M.P.No.21157 of 2017

1. The Government of Tamil Nadu
represented by its Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.
3. The Joint Director (Hr. Secondary),
Vocational, Chennai - 600 006.

..... Appellants

Vs

Mrs.S.Mythili

..... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 19.02.2014 made in W.P.No.4488 of 2014.

WP.NO.4488/2014:

Writ Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to include the services rendered by the petitioner from initial appointment till regularisation (i.e, 12.06.1985 to 04.10.1996) for the pension purpose.

For Appellants : Mr.C.Munusamy
Special Government Pleader

For Respondent : Mr.R.Saravana Kumar

J U D G M E N T

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

The matter relates to counting 50% of the earlier service rendered by the respondent for the purpose of counting the period for pension.

2. The learned single Judge allowed the Writ Petition filed by the respondent on the basis of the earlier order dated 14.11.2013 in W.P.Nos.30671 and 30672 of 2013 and the subsequent order dated 27.11.2013 in W.P.No.32346 of 2013. The learned single Judge issued a mandamus directing the appellants to take 50% of the past service rendered by the respondent in the post of Vocational Instructor along with the regular service for the purpose of pensionary benefits. Feeling aggrieved by the said order, the appellants have come up with this intra Court appeal.

3. When the appeal is taken up for hearing, learned Special Government Pleader fairly submitted that the issue is covered by a recent decision 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 question with regard to counting the earlier service rendered by the Vocational Instructors is now concluded in view of the judgment of the Division Bench in W.A.No.980 of 2019.

5. We dismiss the intra Court appeal in view of the binding judgment rendered by the Division Bench in W.A.No.980 of 2019. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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TO:

1. The Secretary,
Government of Tamil Nadu
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
Chennai - 600 006.

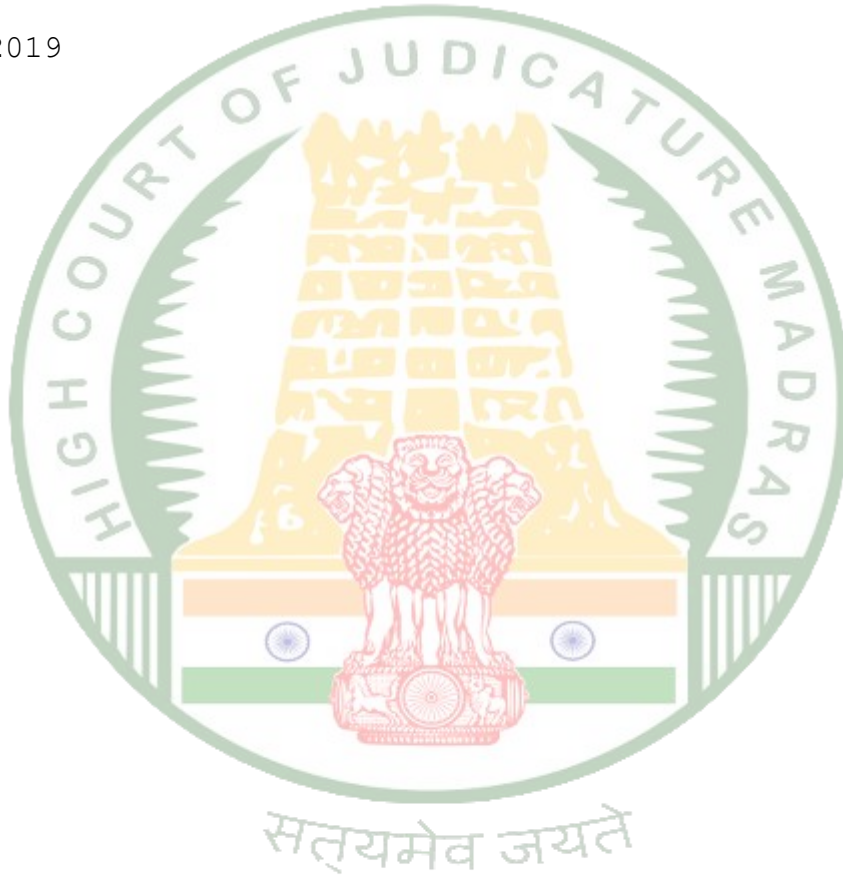
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3. The Joint Director (Hr. Secondary),
Vocational, Chennai - 600 006.

+1cc to M/s.E.Veda Bagath Singh, Advocate sr.60608
+1cc to Government Pleader sr.61974

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and
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nr 17/09/2019



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