

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.10.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 30211 of 2019

P. Utthaman

... Petitioner

Vs.

1. The State of Tamil Nadu,
represented by its Secretary to Government,
School Education Department,
Secretariat, Chennai- 600 009.

2. The Director of School Education,
D.P.I. Campus, College Road,
Chennai.

3. The Chief Educational Officer,
Dharmapuri.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to take 50% of service rendered by the Petitioner as part time vocational instructors drawing consolidated pay between 03.08.1987 to 15.10.1992 along with his regular service from 16.10.1992 for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules by considering Petitioner's Representation dated 06.07.2019, within the fixed time limit.

For Petitioner : Mr. L. Chandrakumar

For Respondents : Mr. C. Munusamy

Special Government Pleader

O R D E R

The Petitioner has filed this writ petition, seeking for issuance of a Writ of Mandamus, to direct the respondents to take 50% of service rendered by the Petitioner as part time vocational instructors drawing consolidated pay between 03.08.1987 to 15.10.1992 along with his regular service from 16.10.1992 for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules by considering Petitioner's Representation dated 06.07.2019, within the fixed time limit.

2. Heard the learned counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the Respondents.

3. The case of the Petitioner is that he was appointed as Part Time Vocational Teacher at Government Boys Higher Secondary School, Palayampudur, Dharmapuri District on 03.08.1987 and his service was regularized from Part Time Vocational Teacher to Full Time scale of pay on 16.10.1992. Now he is going to attain the age of superannuation on 31.07.2021. According to the Petitioner, he is entitled to count half of the service (50%) rendered by him as Part Time Vocational Instructor as qualifying service purpose of pension. In this regard, he made a representation on 06.07.2019, requesting the Respondents to take 50% of his service rendered as Part Time Vocational Instructor as qualifying service for the purpose of granting pension. The grievance of the Petitioner is that despite the representation, the Respondents have not passed any orders therein and hence he is before this Court.

4. The learned counsel appearing for the Petitioner would submit that on earlier occasions, similarly placed persons have approached this Court with similar prayer in W.P. Nos. 31977 of 2002 and 272 of 2008 etc, and this Court has directed the Respondents to count 50% of Part Time services rendered by the Petitioners therein, as qualifying services for the purpose of pension. He would also submit that pursuant to the same, the Government has also implemented the orders of this Court by issuing Government Orders (G.Os). Therefore, the learned counsel appearing for the Petitioner would implore this Court to direct the Respondents to consider the representation of the Petitioner and pass appropriate orders.

5. Considering the limited prayer sought for by the learned counsel for the Petitioner and in view of the fact that there were already similar writ petitions filed and this Court issued orders on the subject matter and since the representation made by the Petitioner is still pending, the Respondents are directed to consider the representation made by the Petitioner on 06.07.2019 and pass appropriate orders therein, in accordance with law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS vi)

//True Copy//

Sub Assistant Registrar

arb
To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
D.P.I. Campus, College Road,
Chennai.
3. The Chief Educational Officer,
Dharmapuri.

+1cc to Mr.L.Chandra kumar , Advocate SR.No. 89114
+1 cc to Government Pleader Sr.No. 89636

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bp
A.SK(04/12/2019)



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