

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.30490, 30492, 30496, 30498 & 30499 of 2019

W.P.No.30490 of 2019:

P.ARUMUGAM

... PETITIONER

VS.

1.THE SECRETARY TO GOVERNMENT,
THE STATE 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 ACCOUNTANT GENERAL (ACCOUNTS AND ENTITLEMENTS),
ACCOUNTANT GENERAL DEPARTMENT,
CHENNAI - 600 018.

4.THE CHIEF EDUCATIONAL OFFICER,
ERODE, ERODE DISTRICT - 01.

... RESPONDENTS

W.P.No.30492 of 2019:

K.DHAMODHARAN

... PETITIONER

VS

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT SCHOOL
EDUCATION DEPARTMENT, SECRETARIAT,
CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI.

3 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) ACCOUNTANT
GENERAL DEPARTMENT, CHENNAI 600 018.

4 THE CHIEF EDUCATIONAL OFFICER,
DHARMAPURI,
DHARMAPURI DISTRICT.

... RESPONDENTS

W.P.NO.30496 OF 2019:

N.HARIHARAN

... PETITIONER

VS

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER,
DHARMAPURI, DHARMAPURI DISTRICT.

4 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) ACCOUNTANT
GENERAL DEPARTMENT, CHENNAI 600 018.

W.P.NO.30498 OF 2019:

K.PAREETHA BEGAM

... PETITIONER

VS

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT SCHOOL
EDUCATION DEPARTMENT, SECRETARIAT,
CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI.

3 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) ACCOUNTANT
GENERAL DEPARTMENT, CHENNAI 600 018.

4 THE CHIEF EDUCATIONAL OFFICER,
DHARMAPURI, DHARMAPURI DISTRICT. ... RESPONDENTS

W.P.NO.30499 OF 2019:

D.VENU ... PETITIONER

vs

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY TO GOVERNMENT SCHOOL
EDUCATION DEPARTMENT, SECRETARIAT,
CHENNAI - 9.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI.

3 THE ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENTS) ACCOUNTANT
GENERAL DEPARTMENT, CHENNAI 600 018.

4 THE CHIEF EDUCATIONAL OFFICER,
DHARMAPURI, DHARMAPURI DISTRICT. ... RESPONDENTS

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying 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 03.01.1979 to 31.03.1990 along with his regular service from 01.04.1990 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 06.12.2018, within the time limit. (In W.P.No.30490 of 2019)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 01/07/1993 to 19/09/1996 along with his regular service from 20/09/1996 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 petitioners representation dated 06/07/2019, within the time limit. (In WP No.30492 of 2019)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 31/07/1982 to 31/03/1990 along with his regular service from 01/04/1990 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 petitioners representation dated 06/07/2019, within the time limit. (In WP No.30496 of 2019)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 03/02//1998 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 petitioners representation dated 06/07/2019, within the time limit. (In WP No.30498 of 2019)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 11/09//1998 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 petitioners representation dated 06/07/2019, within the time limit. (In WP No.30499 of 2019)

For Petitioner : Mr. L. Chandrakumar

For RR 1, 2 & 4 : Mr. C. Munusamy

Special Government Pleader

For R3 : Mr. Vijayshankar

C O M M O N O R D E R

These Writ Petitions are taken up for final disposal and disposed of by way of common order, since the issues involved in these Writ Petitions are similar in nature.

2. The petitioners have filed these writ petition, seeking for issuance of a Writ of Mandamus, to direct the respondents to take 50% of service rendered by them as part time vocational instructors drawing consolidated pay between their respective periods along with their regular service from their respective dates 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 the petitioners representations dated 06.12.2018 and 06.07.2019 within the fixed time limit.

3. Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1, 2 and 4 and the learned counsel appearing for the third respondent.

4. The case of the petitioners is that they were appointed as Part Time Vocational Teacher at different Schools in Erode and Dharmapuri Districts on 03.01.1979, 01.07.1993, 31.07.1982, 03.02.1988 and 11.09.1989 and their service were regularized from Part Time Vocational Teacher to Full Time scale of pay on 01.04.1990, 20.09.1996, 01.04.1990 and 16.10.1992 respectively. They attained age of superannuation on 31.07.2011, 31.07.2018, 31.05.2011, 31.05.2017 and 30.06.2017 respectively. According to the petitioners, they are entitled to count half of the service (50%) rendered by them as Part Time Vocational Instructor as qualifying service purpose of pension. In this regard, they made representation on 06.12.2018 and 06.07.2019 respectively requesting the respondents to take 50% of their service rendered as Part Time Vocational Instructor as qualifying service for the purpose of granting pension. The grievance of the petitioners is that despite their representations, the respondents have not passed any orders therein and hence they are before this Court.

5. The learned counsel appearing for the petitioners 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 petitioners would implore this Court to direct the respondents to consider the representation of the petitioners and pass appropriate orders.

6. Considering the limited prayer sought for by the learned counsel for the petitioners 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 representations made by the petitioners are still pending, the respondents are directed to consider the representations made by the petitioners on 06.12.2018 and 06.07.2019 and pass appropriate orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

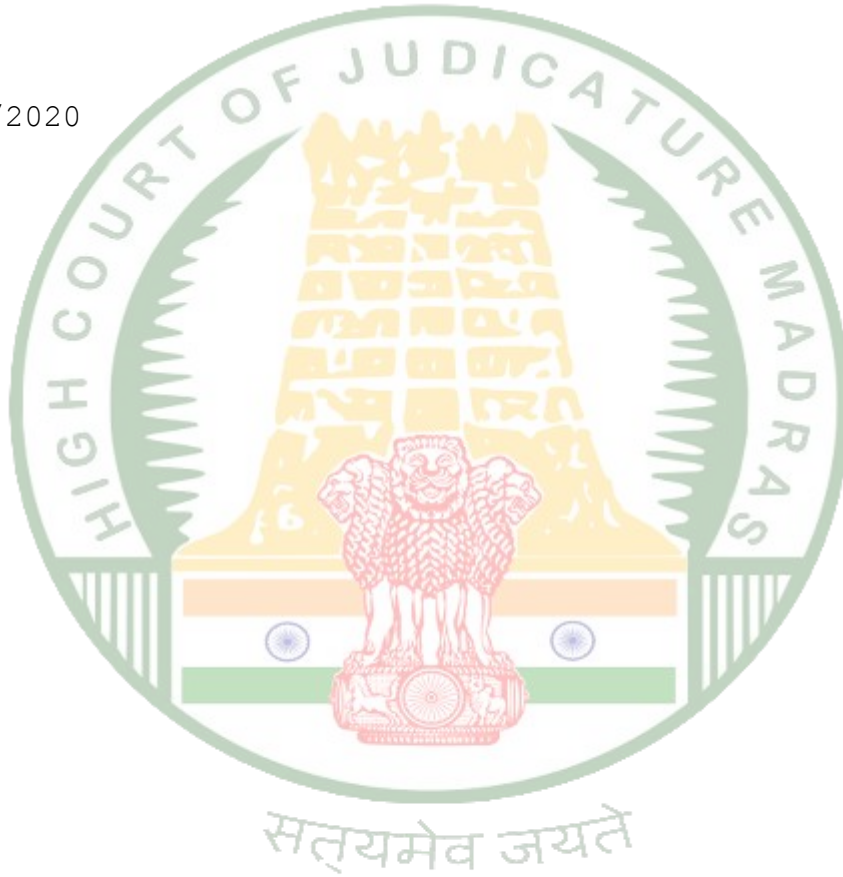
- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
D.P.I. Campus, College Road,
Chennai.
- 3.The Accountant General (Accounts and Entitlements),
Accountant General Department,
Chennai - 600 018.
- 4.The Chief Educational Officer,
Erode, Erode District - 01.

5.The Chief Educational Officer,
Dharmapuri, Dharmapuri District.

+5ccs to M/s.L.Chandrakumar, Advocate Sr.89717

W.P.Nos.30490, 30492, 30496,
30498 & 30499 of 2019

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srg 09/01/2020



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