



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE. R.MAHADEVAN

W.P. (MD) Nos. 6081 and 6082 of 2019

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K.Sulochana .. Petitioner in WP(MD) No. 6081/2019

A.Rajeshwari .. Petitioner in WP(MD) No. 6082/2019

Vs.

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Education Department,
Secretariat, Chennai - 9.

2. The Director of Elementary Education,
College Road, Chennai - 06.

3. The Commissioner,
Government Data Centre,
Guindy, Chennai - 34.

4. The District Elementary Education Officer,
Dindigul District.

5. The Block Educational Officer,
Dindigul Nagar,
Dindigul District. .. Respondents 1 to 5 in both W.Ps.

The Secretary,
Gandhiji Middle School,
14th Ward,
Dindigul Union. .. 6th Respondent in WP(MD) No. 6081/2019

The Secretary,
Gandhiji Middle School,
5th Ward,
Dindigul Union. .. 6th Respondent in WP(MD) No. 6082/2019

PRAYER : Writ Petitions filed under Article 226 of Constitution of India, to issue a writ of Mandamus directing the respondents 1 to 4 to count the service of the petitioners as Secondary Grade Teachers from 30.01.2003 to 12.01.2004 and 27.01.2003 to 12.01.2004 respectively in the 6th respondent schools for pensionary and other service benefits, by considering representations of the petitioners dated 23.10.2017 in the light of G.O. Ms. No. 413 dated 04.11.2010 and the order passed in W.P. Nos. 26022 to 26024 of 2010 dated 26.11.2010.



For Petitioners : Mr.N.Ravichandran
For R1 to R5 : Mrs.S.Srimathy
Special Government Pleader
in both writ petitions.

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COMMON ORDER

These writ petitions have been filed seeking a direction to the respondents 1 to 4 to count the service of the petitioners as Secondary Grade Teachers from 30.01.2003 to 12.01.2004 and 27.01.2003 to 12.01.2004 respectively in the 6th respondent schools for pensionary and other service benefits, by considering their representations dated 23.10.2017, in the light of G.O.Ms.No.413 dated 04.11.2010 and the order passed in W.P.Nos.26022 to 26024 of 2010 dated 26.11.2010.

2.Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents 1 to 5.

3.The case of the petitioners is that their appointments as Secondary Grade Teachers have been approved by the proceedings of the fourth respondent dated 09.04.2003 with effect from 30.01.2003 and 27.01.2003 respectively. The grievance of the petitioners is that as per G.O.No.413, Finance (PGC) Department, dated 04.11.2010 and in the light of the order passed by this Court in W.P.Nos.26022 to 26024 of 2010 dated 26.11.2010, they are entitled to the benefit of old pension scheme. Since such benefit was not extended to the petitioners, they made representations dated 23.10.2017 to the respondents. But no order is forthcoming on the representations of the petitioners. Hence, these writ petitions have been filed.

4.The learned Special Government Pleader appearing for the respondents sought time to argue the case on hand elaborately.

5.At this juncture, the learned counsel appearing for the petitioners submitted that he confines the prayer made in the writ petitions to the extent of seeking a direction to the respondents 1 to 4 for consideration of the petitioners' representations dated 23.10.2017, for which, the learned Special Government Pleader appearing for the respondents 1 to 5 has no serious objection.

6.In view of the above, this Court, without going into the merits of the case, directs the respondents 1 to 4 to consider the representations of the petitioners dated 23.10.2017 one way or the other and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners.



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3

7.The writ petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (W)

/ True Copy /

Sub Assistant Registrar (CS)

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To

1.The Secretary to Government,
State of Tamil Nadu
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Secretariat, Chennai - 9.

2.The Director of Elementary Education,
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3.The Commissioner,
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4.The District Elementary Education Officer,
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+2 CC to M/s.T.PON RAMKUMAR, Advocate (SR-63117[F] dated 26/04/2019)

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ES/20.05.2019/3P/8C