



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : **25.02.2019**

CORAM:  
THE HONOURABLE MR. JUSTICE **R. MAHADEVAN**

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**WP (MD) Nos. 21013 to 21019 of 2018**

|                         |                                             |
|-------------------------|---------------------------------------------|
| P. PHILOMINAL           | ... PETITIONER IN WP (MD) NO. 21013 OF 2018 |
| T. SUSI                 | ... PETITIONER IN WP (MD) NO. 21014 OF 2018 |
| C. SAROJA               | ... PETITIONER IN WP (MD) NO. 21015 OF 2018 |
| T. GRACELIN PRABHA RANI | ... PETITIONER IN WP (MD) NO. 21016 OF 2018 |
| N. SOUNDARA RAJ         | ... PETITIONER IN WP (MD) NO. 21017 OF 2018 |
| M. MONY                 | ... PETITIONER IN WP (MD) NO. 21018 OF 2018 |
| A. BOVAS                | ... PETITIONER IN WP (MD) NO. 21019 OF 2018 |

Vs.

1. The State of Tamil Nadu,  
Represented by its Secretary,  
Department of School Education,  
Fort Saint George, Chennai - 600 009.
2. The Director of School Education,  
College Road, Chennai - 600 006.
3. The Joint Director of School Education (Vocational),  
College Road, Chennai - 600 006.
4. The Chief Educational Officer,  
Kanyakumari District,  
Nagercoil.  
... Respondents IN WP (MD) Nos. 21013 to 21018 of 2018

- 1 THE DIRECTOR OF SCHOOL EDUCATION, COLLEGE ROAD, CHENNAI 600 006
- 2 THE JOINT DIRECTOR OF SCHOOL EDUCATION (VOCATIONAL),  
COLLEGE ROAD, CHENNAI 600 006
- 3 THE CHIEF EDUCATIONAL OFFICER KANYAKUMARI DISTRICT, NAGERCOIL
- 4 THE HEADMASTER GOVERNMENT HIGHER SECONDARY SCHOOL,  
KATTATHURAI & POST, KANYAKUMARI DISTRICT



Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to consider and pass orders on the petitioner's representation dated 20.08.2018; 24.07.2018; 29.07.2018; 29.08.2018; 30.08.2018; seeking to refix petitioner's pension by counting 50% of the petitioner's part time Vocational Instructor service between

02.07.1980 to 11.11.1997;

25.08.1983 TO 11.11.1997;

12.09.1988 TO 11.11.1997;

01.12.1978 TO 31.05.1984;

21.07.1986 TO 04.10.1996;

15.07.1983 TO 31.03.1990;

08.08.1984 TO 31.03.1990; and disburse arrears of pension from the date of retirement.

For Petitioner

: Mr.EVN.Siva

For Respondents

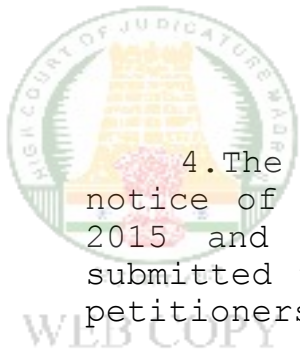
: Mrs.S.Srimathy,  
Special Government Pleader

#### **COMMON ORDER**

These writ petitions have been filed praying for a direction to the respondents to refix the petitioners' pension by counting 50% of their services rendered as part time Vocational Instructors and disburse the arrears accordingly.

2.The case of the petitioners is that seeking refixation of pension by taking into account the 50% of services rendered by them, as part time Vocational Instructors, they submitted their respective representations and non consideration of those representations resulted in filing of the present writ petitions.

3.The learned Counsel for the petitioners submitted that the claim of the similarly placed persons had already been considered, by this Court in a batch of cases, in WP(MD)No.14365 of 2014, etc., dated 09.07.2018 wherein, a direction was issued to the authorities to revise the pension and to pay the arrears to them, within the time stipulated thereon.



4. The learned Counsel for the petitioners also brought to the notice of this Court the decision of writ appeals in WA No.359 of 2015 and WA No.882 of 2017, which covers the same issue and submitted that the respondents failed to consider the claim of the petitioners in the light of the said decision.

5. Per contra, the learned Special Government Pleader appearing for the respondents submitted that the said judgment of the writ appeal has been challenged before the Hon'ble Supreme Court by way of SLP, which is pending consideration. She also pointed out that various other issues have also to be considered, which are against the petitioners and the same will be looked into, before taking a decision with regard to the claim made by the petitioners. In addition to that, G.O.Ms.194, dated 12.08.2018 will also be taken into consideration, while considering the claim of the petitioners.

6. I have considered the rival submissions. In WP(MD)No.14365 of 2014 etc cases, this Court held as follows:

*"44. In view of the aforesaid judgments, wherein the issue as has been put forth by the learned counsel for the petitioners, having been dealt with and decided more than once by the Writ Court and the same has been confirmed by the Division Bench of this Court more than once and in cases, where SLP preferred before the Hon'ble Supreme Court, wherein also the view taken by this Court has been confirmed, all these petitioners are entitled to, for calculating 50% of the past services, rendered by each of the petitioners in the respective employment before they got absorbed by bringing them under the time scale of pay irrespective of the years of service, for the purpose of pensionary benefits. Hence, these petitioners also shall be entitled to get the same benefits and accordingly, all these writ petitions are fit to succeed.*

45. In the result, these writ petitions are allowed and the respective respondents in each of the writ petitions are hereby directed to take into account the 50% of the past services rendered by each of the petitioners either as Vocational Instructors or any other employment either as a Part Time / Full time / adhoc / temporary / daily wages employees before they brought in under the regular time scale of pay on permanent basis or absorption and by calculating the said 50% of their past service, pension eligibility and pension enhancement or difference of pay and pension shall be calculated and disbursed in favour of the respective petitioners. After fixing the revised pension by taking into account the past 50% services,



*the revised pension arrears shall be calculated and to be disbursed to the petitioners within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to mention that the petitioners shall continue to receive the revised pension.*

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7. However, the learned Special Government Pleader appearing for the respondents submitted that the said issue is to be considered at length, taking into consideration all the relevant materials.

8. In view of the rival submissions, the respondents are directed to consider the claim of the petitioners, seeking pension by adding 50% of their part time services and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

9. All the writ petitions are disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar

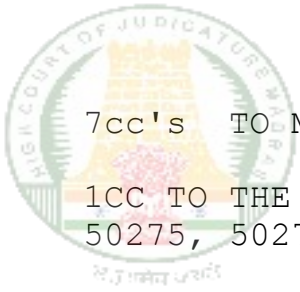
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Sub Assistant Registrar (CS )

dsk

To

1. The Secretary,  
Department of School Education,  
Fort Saint George, Chennai - 600 009.
2. The Director of School Education,  
College Road, Chennai - 600 006.
3. The Joint Director of School Education (Vocational),  
College Road, Chennai - 600 006.
4. The Chief Educational Officer,  
Kanyakumari District,  
Nagerocil.
5. The Headmaster,  
Government Higher Secondary School,  
Kattathurai and Post,  
Kanyakumari District.



7cc's TO MR. E.V.N. SIVA, ADVOCATE SR 49728

1CC TO THE SPL GOVT PLEADER SR 50274, 50285, 50284,  
50275, 50276, 50277, 50282.

KK  
02/05/2019  
4P 14C

**WP(MD) Nos.21013 to 21019 of 2018  
25.02.2019**