



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P. (MD)No.18273 of 2019
and
W.M.P. (MD)No.14708 of 2019

G.Antony

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District - 629 001.

4.The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.

5.The Correspondent,
St. Joseph's Higher Secondary School,
Asaripallam - 629 201,
Kanyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to reckon the petitioner's half of service as Vocational Instructor (Single Part Time) from 18.08.1986 to 31.01.1992 and from 27.08.2001 to 12.11.2001 i.e., 2 years and 10 months for disbursement of pension and other purpose along with the petitioner's regular service on par with similarly placed persons.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to reckon the petitioner's half of service as Vocational

<https://hcservices.ecourts.gov.in/hcservices/>



Instructor (Single Part Time) from 18.08.1986 to 31.01.1992 and from 27.08.2001 to 12.11.2001 i.e., 2 years and 10 months for disbursement of pension and other purpose along with the petitioner's regular service on par with similarly placed persons.

2. According to the petitioner, he is working as Vocational Instructor in the fifth respondent School, which is a recognized and aided minority Institution. Initially, he was appointed as Vocational Instructor (Single Part Time) in the said School on 18.08.1986. The fifth respondent has not permitted the petitioner to discharge his duties as Vocational Instructor (Single Part Time) w.e.f., 01.02.1992 and permitted the petitioner to discharge his duties as Vocational Instructor (Single Part Time) from 27.08.2001. Again, on 13.11.2001, the petitioner was promoted as Vocational Instructor Grade - I and placed under regular time scale of pay and the same was approved by the Chief Educational Officer.

3. Further, according to the petitioner, as per Rule 11(4) of the Tamil Nadu Pension Rules, 1978, the respondents are bound to reckon the half of the petitioner's service as Vocational Instructor (Single Part Time) from 18.08.1986 to 31.01.1992 and from 27.08.2001 to 12.11.2001, i.e., 2 years and 10 months. The first respondent has also directed to reckon the half of service period as Single Part Time Vocational Instructors/Double Part Time Vocational Instructors for their pension and other purpose along with their regular service based on the orders passed by this Court, vide G.O.Ms.No.194, School Education (Pa.Ka.7-1), Department, dated 12.09.2018. Hence, the petitioner has made representations to the respondents 1 to 4 on 22.01.2019, 16.04.2019 and 10.06.2019, requesting to reckon the half of his service as Vocational Instructor (Single Part Time) from 18.08.1986 to 31.01.1992 and from 27.08.2001 to 12.11.2001, i.e., 2 years and 10 months, for disbursement of pension and other purpose along with his regular service. Since there is no response forthcoming, the petitioner is constrained to file this Writ Petition.

4. The learned counsel appearing for the petitioner submitted that the similar issue was already considered by this Court in W.P. (MD)No.1910 of 2016 etc. batch. dated 23.07.2018 [A.Sebastin Amalorpavamary Vs. The State of Tamil Nadu, Rep. by its Secretary, Department of Finance (Pension), Chennai and others] and in another W.P.(MD)No.11494 of 2019, dated 11.06.2019 [Mrs.G.Vasantha Vs. The State of Tamil Nadu, Rep. by its Secretary to Government, School Education Department, Chennai and others] and therefore, he prayed that this Writ Petition may also be disposed of directing the respondents to consider the petitioner's representations in line with the above said orders passed by this Court.

5. The learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation dated



10.06.2019, would be considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. Recording the above said submission made by the learned Special Government Pleader appearing for the respondents, without going into the merits of the case, this Court directs the first respondent to consider the representation of the petitioner, dated 10.06.2019 and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of, with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/TRUE COPY/

Sub Assistant Registrar

To

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

2. The Director of School Education,
College Road, Chennai - 600 006.

3. The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District - 629 001.

4. The District Educational Officer,
Thuckalay - 629 175,
Kanyakumari District.

+1 CC to M/s. SPL GP (SR-84477[F] dated 30/08/2019)

+1 CC to M/s. S. XAVIER RAJINI, Advocate (SR-84745[F] dated 30/08/2019)

W.P. (MD) No. 18273 of 2019
29.08.2019

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JM/18.09.2019/3P/7C