



ORDER

The order of the third respondent dated 02.08.2019 is sought to be quashed in the present Writ Petition and further direction is sought for to direct the third respondent to calculate half of the temporary service rendered by the petitioner for pensionary benefits and provide all other consequential benefits as per G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 and Rule 11(2) of the Tamil Nadu Pension Rules, within the time period stipulated by this Court.

2. According to the petitioner, he was appointed as part time Watchman on consolidated pay on 15.11.1993. As per the order of this Court, the service of the petitioner was regularized from 07.12.2007. The service of the petitioner for counting 50% of the services rendered as part time employee from 15.11.1993 to 06.12.2007 was not taken into consideration for calculating pension and the third respondent, by the impugned order dated 02.08.2019, has erroneously rejected the claim of the petitioner for pension under Old Pension Scheme, as the petitioner's service was regularized only from 07.12.2007. Hence, the petitioner has come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

4. From the impugned order, it is seen that the petitioner was appointed on 15.11.1993 as part time Watchman and his service was regularized with effect from 07.12.2007, as per the order of this Court. As admittedly, the petitioner was appointed on 15.11.1993 much earlier than on 01.04.2003, the petitioner is entitled to pension as per the Old Pension Scheme. The issue whether the employee is entitled for pension as per the Old Pension Scheme or as per New Pension Scheme, depends upon the date of appointment. In the present case, the petitioner was appointed on 15.11.1993.

5. For the above reasons, the impugned order of the third respondent dated 02.08.2019 is set aside. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

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To

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

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

3.The District Education Officer,
O/o. The District Educational Office,
At Gomathiammal Government Boys High School,
Sankarankovil, Tirunelveli District.

4.The Headmaster,
Government Higher Secondary School,
Sayamalai-628 552,
Thiruvengadam Taluk, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-96328[F] dated 06/11/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-96559[F] dated
07/11/2019)

W.P. (MD) No.19738 of 2019
05.11.2019

JMN(15.11.2019) 3P : 7C