



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.22597 of 2019

WEB COPY

Sivasubramanian

... Petitioner

-Vs-

- 1.The Accountant General
(Accounts and Entitlements),
Tamil Nadu, Chennai-18.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Educational Officer,
Cheranmadevi,
Tirunelveli.
- 4.S.S.V.Higher Secondary School,
Mathapattanam,
Koviloothu Post,
Tirunelveli Distrct,
Rep. by its Secretary.
- 5.The Secretary to Government,
School Education Department, Secretariat,
Chennai.

(R5 is *suo motu* impleaded as fifth respondent,
as per the order of this Court
dated 24.10.2019 in WP(MD)No.22597/19))

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the fourth respondent to send a revised pension proposal through the third respondent to the first respondent by taking 50% of the services rendered by the petitioner as part time vocational teacher between 01.06.1981 and 31.03.1989 i.e. for a period of 8 years, 9 months and 19 days along with the regular service for the purpose of pension and consequently direct the first respondent to revise his pension accordingly with consequential benefits and arrears by considering his representation dated 13.09.2019.

For Petitioner	: Mr.M.E.Ilango
For R1	: Mr.P.Gunasekaran
For R2, R3&R5	: Mr.M.Karuppasamy
	Government Advocate



ORDER

The petitioner has filed the present writ petition for a direction to the fourth respondent to send a revised pension proposal through the third respondent to the first respondent by taking 50% of the services rendered by the petitioner as part time vocational teacher between 01.06.1981 and 31.03.1989 i.e. for a period of 8 years, 9 months and 19 days along with the regular service for the purpose of pension and consequently direct the first respondent to revise his pension accordingly with consequential benefits and arrears by considering his representation dated 13.09.2019.

2.Mr.M.Karuppasamy, learned Government Advocate takes notice on behalf of the respondents 2 & 3 and Mr.P.Gunasekaran, learned counsel takes notice on behalf of the first respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel for the petitioner relied on various orders passed by this Court, wherein, this Court directed the respondents to take into consideration 50% of the service rendered by the employees while calculating the quantum of pension payable to the employees. According to the petitioner, the respondents filed S.L.P.No.(Civil) 6253 of 2011, challenging the order of this Court and the same was dismissed. Hence, he prayed to allow the Writ petition.

4.The learned Government Advocate appearing for the respondents 2 & 3 and the learned counsel appearing for the first respondent contended that the issue is whether 50% of the part-time service rendered by the employees to be counted for pension is now pending before the Hon'ble Division Bench of this Court and hence, he prayed for dismissal of this Writ petition. They further submitted that the petitioner ought to have made representation to the Secretary to Government, School Education Department, Chennai, who is the competent authority to consider the claim of the petitioner.

5. In view of the above submission, the Secretary to Government, School Education Department, Chennai, is hereby suo motu impleaded as fifth respondent in this writ petition.

6.Heard Mr.M.E.Ilango, learned counsel appearing for the petitioner, Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 2 & 3 and Mr.P.Gunasekaran, learned counsel appearing for the first respondent.

7. Considering the rival submissions of the learned counsel for the petitioner and the learned Government Advocate appearing for



the respondents 2, 3 and 5 and the learned counsel appearing for the first respondent, without deciding the issue on merits, the petitioner is directed to give a fresh representation by enclosing his service particulars to the fifth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the fifth respondent is directed to consider the representation of the petitioner and pass orders on merits and in accordance with law within a period of twelve (12) weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Accountant General
(Accounts and Entitlements),
Tamil Nadu,
Chennai-18.
2. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
3. The District Educational Officer,
Cheranmadevi,
Tirunelveli.
5. The Secretary to Government of Tamil Nadu,
School Education Department,
Chennai.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-94578[F] dated 25/10/2019)
+1 CC to Mr.M.E.ILANGO, Advocate (SR-94743[F] dated 25/10/2019)

W.P. (MD) No.22597 of 2019

24.10.2019