



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.22785, 22796, 22798, 22799, 22800, 22801, 22802, 22803, 22804, 22805, 22806, 22807, 22808, 22809, 22810, 22811, 22812, 22813, 22815, 22819, 16285 and 16201 of 2019

and

WMP(MD).19547, 19558, 19563 TO 19576, 19578 TO 19581, 12945 and 12891 of 2019

W.P(MD)No.22785 of 2019

D.Ramachandran

... Petitioner

vs.

1.The State of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department, (Pa.Ka.7-1),
Fort St. George,
Chennai-09.

2.The Director (Vocational) of
School Education, College Road,
Chennai-06.

3.The Chief Educational Officer,
O/o.Chief Educational office,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned G.O.Ms.No.194, dated 12.09.2018 issued by the first respondent and quash the same with regard to the cut off date i.e., 06.04.2018 and directing the respondents to take the 50% of the part time service rendered by the petitioner ie. From 18.10.1982 to 04.10.1992 along with the regulars service for the pension benefits i.e., fro the period of 27 years 10 months 21 days.

WP(MD). 22796/ 2019

M.Francis

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The District Educational Officer,
O/o.The District Educational Officer,Thoothukudi District

... Respondents



Prayer in WP(MD). 22796/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 31/07/1984 to 31/03/1990 along with the regular service for the pension benefits i.e. for the period of 30 years 07 months 0 days

WP(MD). 22798/ 2019

Selvi.S.Annammal,

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The District Educational Officer,
O/o.District Educational Office, Usilampatti Madurai

... Respondents

Prayer in WP(MD). 22798/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 24/11/1980 to 21/12/1985 along with the regulars service for the pension benefits i.e. for the period of 28 years 01 months 10 days

WP(MD). 22799/ 2019

P.Mathialagan

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer,
O/o.The Chief Educational Officer, Thanjavur Distrct

... Respondents



Prayer in WP(MD). 22799/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 26.8.1985 to 16.10.1992 along with the regular service for the pension benefits i.e. for the period of 29 years 4 months 11 days

WP(MD). 22800/ 2019

J.Swaminathan

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road, Chennai-06
3. The District Educational Officer, O/o.District Educational Office, Nagapattinam.

... Respondents

Prayer in WP(MD). 22800/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 24/08/1982 to 04/10/1996 along with the regular service for the pension benefits i.e. for the period of 29 years 03 months 18 days

WP(MD). 22801/ 2019

S.Sezhian

... Petitioner

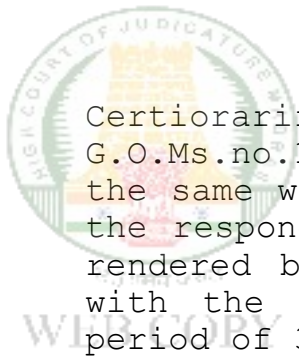
- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road, Chennai-06
- 3.The Chief Educational Officer, O/o.The Chief Educational Officer, Thanjavur District

...Respondents

Prayer in WP(MD). 22801/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of



Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 19.8.1985 to 4.10.1992 along with the regular service for the pension benefits i.e. for the period of 30 years 03 months 18 days

WP(MD). 22802/ 2019

T.Mariastella

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
 2. The Director (Vocational) Of School Education , College Road, Chennai-06
 3. The Chief Educational Officer Melavasal, Mannarkudi
- ...Respondents

Prayer in WP(MD). 22802/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 2.7.1979 to 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 20 years 11 months 13 days

WP(MD). 22803/ 2019

B.Velayudham Pillai

... Petitioner

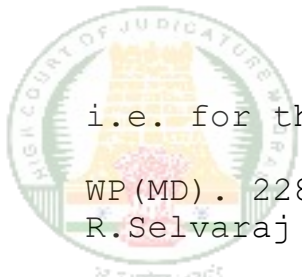
- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road, Chennai-06
3. The Chief Educational Officer, Nagercoil Educational District, Nagercoil, Kanyakumari District

... Respondents

Prayer in WP(MD). 22803/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and consequential impugned order passed by the 3rd respondent dt.24/07/2019 bearing Na.Ka.No.0572/Aha2/2019 and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 20/09/1982 to 11/11/1997 along with the regular service for the pension benefits



i.e. for the period of 19 years 10 months 13 days

WP(MD). 22804/ 2019

R.Selvaraj

... Petitioner

- Vs. -

1.The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer

O/o.The Chief Educational Officer, Thanjavur District

... Respondents

Prayer in WP(MD). 22804/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 04.6.1986 to 04.10.1996 along with the regular service for the pension benefits i.e. for the period of 21 years 01 month 25 days

WP(MD). 22805/ 2019

P.Jayanthi

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The District Educational Officer,

O/o.The District Educational Officer, Mannarkudi

... Respondents

Prayer in WP(MD). 22805/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 28.8.1984 to 1.4.1990 along with the regular service for the pension benefits i.e. for the period of 30 years 02 months 01 day

WP(MD). 22806/ 2019

Dhanalakshmi

... Petitioner

- Vs. -



1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road, Chennai-06
3. The Chief Educational Officer,
O/o.The Chief Educational Officer, Thanjavur District
... Respondents

Prayer in WP(MD). 22806/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 22/09/1986 to 16/10/1992 along with the regular service for the pension benefits i.e. for the period of 22 years 02 months 28 days

WP(MD). 22807/ 2019

V.Perumal

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road, Chennai-06
3. The Chief Educational Officer
Thanjavur Dist
....Respondents

Prayer in WP(MD). 22807/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records off the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut of date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 3.10.1986 to 5.10.1996 along with the regular service for the pension benefits i.e. for the period of 26 years 04 months 27 days

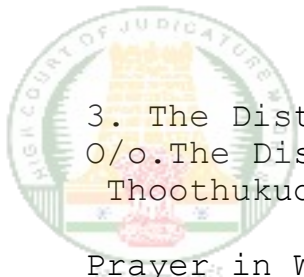
WP(MD). 22808/ 2019

T.Rajeswari

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09
2. The Director (Vocational) Of School Education , College Road,



3. The District Educational Officer,
O/o.The District Educational Officer,
Thoothukudi District

... Respondents

Prayer in WP(MD). 22808/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioners Husband V.Ramachandran i.e. from 01/08/1979 to 31/03/1990 along with the regular service for the pension benefits i.e. for the period of 24 years 03 months 07 days.

WP(MD). 22809/ 2019

A.Rajendran

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer

O/o.The Chief Educational Officer, Thanjavur District

... Respondents

Prayer in WP(MD). 22809/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 2.2.1987 to 15.10.1992 along with the regular service for the pension benefits i.e. for the period of 29 years 04 months 23 days

WP(MD). 22810/ 2019

V.Nedunchezian

... Petitioner

- Vs. -

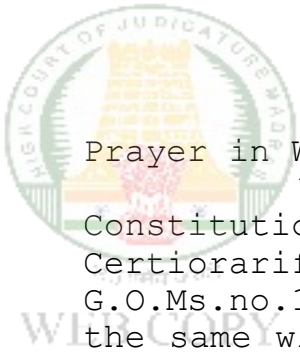
1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The District Educational Officer,

O/o.The District Educational Officer, Nagapattinam

....Respondents



Prayer in WP(MD). 22810/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 21.8.1982 to 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 27 years 10 months 25 days

WP(MD). 22811/ 2019

1. G.Kalaiselvan

... Petitioner

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer,
O/o.The Chief Educational Officer, Thanjavur Dist

... Respondent

Prayer in WP(MD). 22811/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 9.11.1987 to 04.10.1996 along with the regular service for the pension benefits i.e. for the period of 24 years 07 months 29 days

WP(MD). 22812/ 2019

1. J.Padmavathy D/o.Jeganathan, 2, Pillaiyar Kovil St, Pudukkottai, Thanjavur Dist

... Petitioner

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09



2. The Director (Vocational) Of School Education , College Road,
Chennai-06

3. The District Educational Officer
O/o.The District Educational Officer, Melavasal, mannarkudi.
... Respondent

Prayer in WP(MD). 22812/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 2.7.1979 to 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 20 years 03 months 27 days

WP(MD). 22813/ 2019

1. N.S.Mathialagan S/o.N.K.Somuthevar, C/o.D.Marimuthu, 22,
Venkataramaiyan St, Nadimuthu Nagar, Pattukottai, Thanjavur Dist
... Petitioner

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School
Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road,
Chennai-06

3. The Chief Educational Officer,
O/o.The Chief Educational Officer, Thanjavur Dist
... Respondent

Prayer in WP(MD). 22813/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner i.e. from 01.6.1988 to 13.2.1995 along with the regular service for the pension benefits i.e. for the period of 29 years 04 months 20 days



WP(MD). 22815/ 2019

1. M.Narayanan Nair

... Petitioner

WEB COPY

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer Nagercoil Kanyakumari Dist
... Respondent

Prayer in WP(MD). 22815/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and consequential impugned order passed by the 3rd respondent dt 24.7.2019 bearing Na.Ka.no.0572/Aha2/2019 and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner Wife Late Ambika Kumari Amma i.e. from 26.8.1981 TO 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 19 years 10 months 29 days and pass

WP(MD). 22819/ 2019

1. G.Vasantha Selvaraj W/o.Late,S.Selvaraj, 3/64, Keela Puthalam,Bethel Cottage, Puthalam Post, Kanyakumari District -629602
... Petitioner

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Dept(Pa.Ka.7-1), Fort St.George Chennai 09

2. The Director (Vocational) Of School Education , College Road, Chennai-06

3. The Chief Educational Officer Nagercoil Kanyakumari Dist
... Respondent



Prayer in WP(MD). 22819/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned G.O.Ms.no.194 dt 12.9.2018 issued by the 1st respondent and consequential impugned order passed by the 3rd respondent dt 24.7.2019 bearing Na.Ka.no.0572/Aha2/2019 and quash the same with regard to the cut off date i.e.6.4.2018 and directing the respondents to take the 50 percentage of the part time service rendered by the petitioner's Husband S.Selvaraj i.e. from 15.9.1978 TO 4.10.1996 along with the regular service for the pension benefits i.e. for the period of 23 years 08 months 06 days and pass

WP(MD). 16285/ 2019

1. S.Sudhathiraraja S/o. Late M.R. Subbiah Pillai,1a/2w
Radhakrishnan Rice Mill Street, Gurusamy Nagar, Chinnamanur, Theni District.

... Petitioner

vs

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Department (Pa.Ka.7-1) Fort St.George, Chennai.

2. The Director of School Education, College Road, Chennai.

3. The Chief Educational Officer, O/o Chief Educational Office, Theni District. ... Respondent

Prayer in WP(MD). 16285/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records of the impugned G.O.Ms.No.194 dated 12-09-2018 issued by the 1st Respondent and consequential impugned order passed by the 2nd Respondent dated 25-2-2019 bearing Na.Ka.No.001668/V1/E3/2019 and quash the same with regard to the cut off date i.e 06-04-2018 and directing the respondents to take the 50 percent of the part time service rendered by the petitioner ie from 04-01-1988 TO 16-10-1992 along with the regular service for the pesion benefits i.e., for the period of 28 years 06 days.

WP(MD). 16201/ 2019

1. K. Murugan

... Petitioner



- Vs. -

1. The State of Tamil Nadu Rep by its Principal Secretary, School Education Department (Pa.Ka.7-1)
Fort St.George, Chennai.

2. The Director of School Education, College Road, Chennai.

3. The District Educational Officer, O/o District Educational Office, Theni District.

... Respondent

Prayer in WP(MD). 16201/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for records of the impugned G.O.Ms.No.194 dated 12-09-2018 issued by the 1st Respondent and consequential impugned order passed by the 2nd Respondent dated -2-2019 bearing Na.Ka.No.001668/V1/E3/2019 and quash the same with regard to the cut off date i.e 06-04-2018 and directing the respondents to take the 50 percent of the part time service rendered by the petitioner ie from 10-12-1988 to 16-10-1992 along with the regular service for the pesion benefits i.e., for the period of 26 years 03 months 19 days.

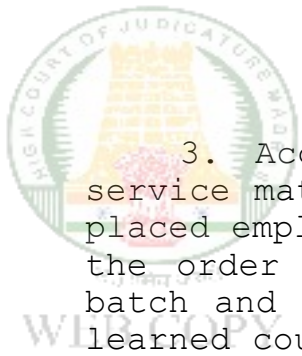
For Petitioner : Mr.R.Saravanan
For Respondents : Mr.M.Karuppasamy,
Government Advocate

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same and therefore, these Writ Petitions are heard together and disposed of by way of this common order.

2. All the petitioners are appointed as Vocational instructors on various dates. Subsequently, they were regularised on various dates from 01.04.1990. Number of writ petitions were filed, claiming 50% of their service rendered as part time employees to be counted for the purpose of calculating pension. All the writ petitions were allowed. The writ appeal and Special Leave Petition filed by the Government were dismissed. The Government implemented the order of this Court and 50% of the service rendered by the similarly placed persons were taken into account for calculating pension. While so, the Government passed the impugned G.O.Ms.No.194, School Education (SE7-1) Department, dated 12.09.2018 imposed a condition that teachers who are brought on regular time scale of pay before 01.04.2003 and filed writ petition and obtained order before 06.04.2018 or the writ petitions are pending alone are entitled for counting 50% of the service rendered as part time

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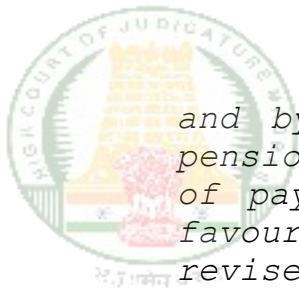
3. According to the learned counsel for the petitioners in service matter when a relief is granted to the employees, similarly placed employees are also entitled for the said relief and relied on the order dated 09.07.2018, made in W.P(MD)No.14365 of 2014 etc., batch and writ appeals in W.A.(MD)No.392 of 2017 etc., batch. The learned counsel appearing for the petitioners contended that the cut off date fixed in the Government Order is not valid as the Government is not entitled to prevent similarly placed persons to approach the Court later and prayed for quashing the cut-off date fixed in G.O.Ms.No.194, School Education (SE7-1) Department, dated 12.09.2018.

4. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. The petitioners are seeking 50% of their service rendered by them as part time vocational instructors to be counted for calculating pension payable to them. This issue was already considered by this Court in W.P.No.14365 of 2014 etc., batch, relied on by the learned counsel for the petitioners. This Court granted relief to the similarly placed persons, like that of the petitioners herein. The appeal and Special Leave Petition filed by the Government were dismissed. This Court, by order dated 09.07.2018 after extracting the earlier order of this Court in paragraphs 44 and 45, has 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."

6. When a relief is granted to an employee with regard to counting 50% of service rendered by him as part time employee, the same cannot be restricted only to the persons filed writ petition or the persons filed the writ petitions on or before 6.4.2018. The said condition imposed by the impugned Government Order, is arbitrary and there is no reason given by the Government for fixing such cut-off date. In view of the same, the said condition is invalid and is liable to be set aside. For the above reason, the condition imposed is quashed. The respondents are directed to consider the representation of the petitioners for counting 50% of the service rendered by them as part time vocational instructors taking into account the various orders passed in the writ petitions and judgment of this Court, dated 21.04.2017, made in W.A.(MD)No.392 of 2017 etc., batch.

7. With the above observations and directions, all the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

am

To

1.The Principal Secretary,
School Education Department, (Pa.Ka.7-1),
Fort St. George,
Chennai-09.

2.The Director (Vocational) of
School Education, College Road,
Chennai-06.



3.The Chief Educational Officer,
O/o.Chief Educational office,
Thanjavur District.

4. The Chief Educational Officer Melavasal, Mannarkudi

5. The Chief Educational Officer, Nagercoil Educational District,
Nagarcoil, Kanyakumari District

6. The Chief Educational Officer, Theni.

7. The District Educational Officer,
O/o.The District Educational Officer,Thoothukudi District

8. The District Educational Officer,
O/o.District Educational Office, Usilampatti Madurai

9. The District Educational Officer,
O/o.District Educational Office, Nagapattinam.

10. The District Educational Officer,
O/o.The District Educational Officer, Mannarkudi

11. The District Educational Officer
O/o.The District Educational Officer, Melavasal, mannarkudi.

12. The District Educational Officer, O/o District Educational
Office, Theni District.

+1 CC to M/s.SPL GP (SR-96333[F] dated 06/11/2019)

+22 CC to M/s.R.SARAVANAN, Advocate (SR-96582[F] dated 07/11/2019)

W.P (MD) Nos.22785, 22796, 22798,
22799, 22800, 22801, 22802, 22803,
22804, 22805, 22806, 22807, 22808,
22809, 22810, 22811, 22812, 22813,
22815, 22819, 16285 and 16201 of 2019
05.11.2019

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