



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD)No.27256 of 2019

S.Venkatachalam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Fort. St. George,
Chennai.

2.The Accountant General of Tamilnadu,
(Accounts and Entitlements),
Chennai.

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

4.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to re-fix the pension by taking into account of 50% of part time service rendered by the petitioner from 15.03.1986 to 15.10.1992 along with regular service based on his representation dated 23.06.2017 within a time frame as fixed by this Court.

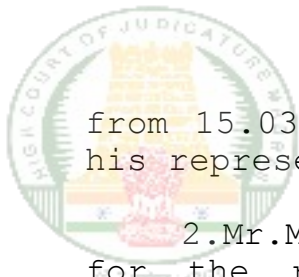
For Petitioner : Mr.B.Prahalad Ravi

For R-1, R-3 and R-4 : Mr.M.Karuppasamy
Government Advocate

For R-2 : Mr.P.Gunasekaran

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents to re-fix the pension by taking into account 50% of part time service rendered by the petitioner



from 15.03.1986 to 15.10.1992 along with regular service, based on his representation, dated 23.06.2017.

2.Mr.M.Karuppasamy, learned Government Advocate takes notice for the respondents 1, 3 and 4 and Mr.P.Gunasekaran, learned counsel, takes notice for the second respondent. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he has been appointed as Single Part Time Vocational Instructor on 15.03.1986 and subsequently, his services were regularized with effect from 01.04.1990. He attained the age of superannuation on 31.05.2017. Since the 50% of the part time services rendered by him, has not been taken into consideration for calculating his pension, he made a representation, dated 23.06.2017, to the respondents. Since the same has not been considered, the petitioner has come up with the present writ petition.

4.The learned counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 23.06.2017, is directed to be disposed of by the first respondent, in the light of the Judgment of this Court in W.A.Nos.158 of 2016 etc., batch, dated 03.12.2019.

5.Considering the limited scope of prayer sought for in the Writ petition, the first respondent is directed to consider the representation of the petitioner, dated 23.06.2017 and pass orders, in the light of the Judgment of this Court in W.A.Nos.158 of 2016 etc., batch, dated 03.12.2019, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 23.06.2017 to the first respondent.

6.With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn



To

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

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

3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-106311[F]dated 20/12/2019)

+1 CC to Mr.B.PRAHALAD RAVI, Advocate (SR-106360[F] dated 20/12/2019)

+1 CC to SPL.GP (SR-106481[F] dated 27/12/2019)

ORDER MADE IN
W.P (MD) No.27256 of 2019
20.12.2019

VB(09.01.2020) 3P 7C