

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.10165 of 2005

V.Giridhar Gopal

..Petitioner

Vs

- 1.The Secretary to Education Department,
Secretariat, Chennai.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Chief Educational Officer,
Sathuvachari, Vellore,
Vellore District.
- 4.The District Educational Officer,
Tirupattur, Vellore District.
- 5.The Accountant General (A&E),
Tamil Nadu,
Teynampet, Chennai - 18.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of certiorarified mandamus to call for the records relating to the communications in A.G.(A&E) PEN.P12/2/G47-865/AR/2004-2005/694 dated 28.9.2004 from the file of the Accountant General Office (A&E) Tamilnadu, Teynampet, Chennai -18 and quash the same and direct the respondents to count the service of the petitioner as Vocational Instructor from the date of the petitioner's appointment (i.e) from 16.10.1981 and refix the salary of the petitioner on B.T.Scale from 16.10.1992 and consider the same for fixation of pensionary benefits and grant such other relief.

For Petitioner : No representation

For Respondents : Mr.P.Raja

Government Advocate for R1 to R4

Mr.P.Mano Rajan

for Mr.Ravi Kumar

Standing Counsel for R5

O R D E R

The relief sought for in this writ petition is to
<https://hcservices.ecourts.gov.in/hcservices/>
issue a writ of certiorarified mandamus to quash the order of

the fifth respondent dated 28.9.2004 and consequently to direct the respondents to count the service of the petitioner as Vocational Instructor from the date of his appointment (i.e) from 16.10.1981 and refix the salary of the petitioner on B.T.Scale from 16.10.1992 and consider the same for fixation of pensionary benefits and grant such other relief.

2. There is no representation for the petitioner. Heard the learned Government Advocate for the respondents 1 to 4 and the learned Standing Counsel for the 5th respondent and also perused the materials available on record.

3. The learned Government Advocate for the respondent would submit that the petitioner already retired from service and his scale of pay has been revised and the pensionary benefits have been extended to the petitioner.

4. The learned Government Advocate further submitted that the service of the petitioner has been regularised as follows :

The regular service of the petitioner is 14 years and 6 months i.e., from 01.04.1990 to 30.09.2009 and part time service is 8 years 5 months and 15 days i.e., from 16.10.1981 to 31.03.1990. As per G.O.Ms.No.90 School Education Department, 09.05.2018 only 50% of the part time service of the petitioner will be taken for calculating service, hence, 4 years 2 months and 23 days is taken for calculating service. Therefore, the total service of the petitioner is 18 years 8 months and 18 days. Further, the minimum service required for full pension is 30 years, whereas the petitioner served only 18 years 8 months and 18 days, therefore, the pay has been reduced and revision of pension, family pension, additional pension shall taken notional effect from 01.01.2016 or the date of entitlement to pension/family pension/enhanced family pension/additional pension, which ever is later to the petitioner shall have monetary effect only from 01.10.2017. Since there is no representation for the petitioner, most probably the petitioner would be satisfied with the revision of pay, pension and all other benefits granted by the respondents. Therefore, nothing survives for adjudication in this writ petition.

5. Recording the above submissions made by the learned Government Advocate, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

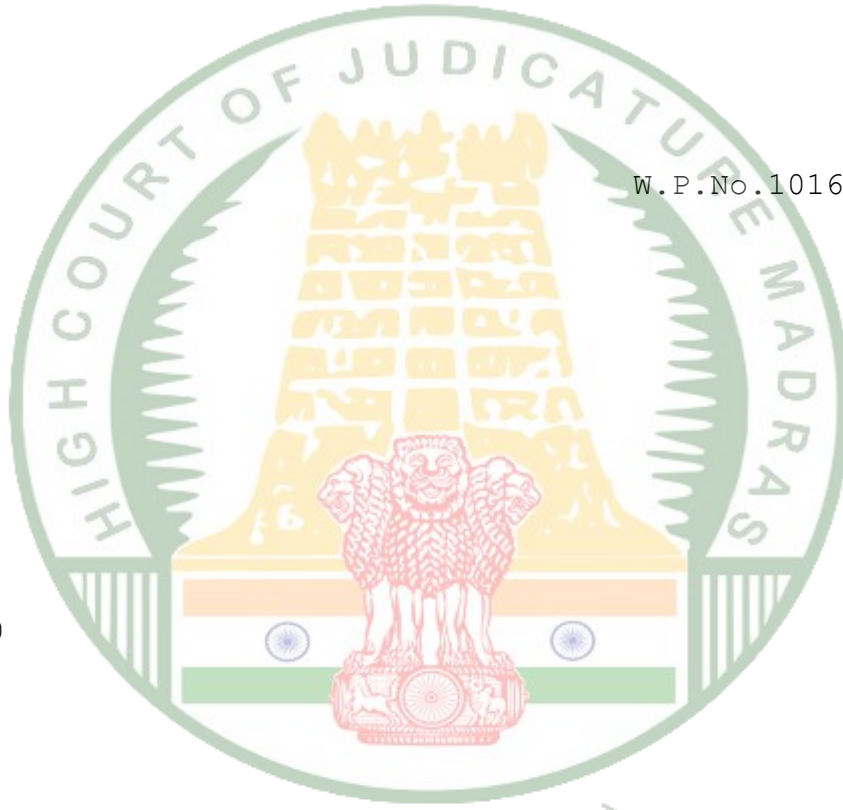
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+2cc to Mr.T.Ravikumar, Advocate, S.R.No. 41380
+1cc to Mr.T.Ravikumar, Advocate, S.R.No. 41622
+1cc to the Government Pleader, S.R.No. 41315



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P.VELMURUGAN, J.,
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