

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29085, 29199, 32247 of 2014 and 558 of 2015

- 1 G.Mani
S/o.Govinda Goundar,
Formerly Physical Education Teacher,
Government High School,
Keelakothur,
Vellore Taluk and District ..Petitioner in WP.No.29085/2014
- 2 G.Ramaswamy
S/o.Govinda Goundar Formerly Physical
Education Teacher Government High School
Sempalli Vellore District ..Petitioner in WP.No.29199/2014
- 3 A.Munisamy
S/o.Arjunan Formerly Physical Education
Teacher, Government Higher Secondary School
Jayapuram, Tirupattur Taluk,
Vellore District. ..Petitioner in W.P.No.32247/2014
- 4 Gramasevika Graduate Teachers
and Supervisors Welfare Assn.(Reg. No.209/14)
Rep. by State President R.Sankar Babu,
No.155 Ramalinga Nagar, 3rd Street,
Vasantha Nagar, Madurai...Petitioner in WP.No.558 of 2015
Vs.
- 1 The Secretary to Government
School Education Department,
Fort St.George, Chennai 9
- 2 The Director of School Education,
College Road Chennai 6.
- 3 The Chief Educational Officer,
Vellore District, Vellore.
- 4 The Accountant General,
Accountant & Entitlement, Tamilnadu 259
Anna Salai, III Block II Floor,
DMS Compound, Chennai 6. ..RR1 to 5 in Wps.29085, 29199
& 32247/14

- 5 The District Educational Officer,
Vellore District.
- 6 The Head Master
Government High School,
Keelakothur,
Vellore Taluk and District..R6 in W.P.No.29085/2014
- 7 The Head Master, Government High School,
Sempalli, Vellore District...Respondents in WP.Nos.29085,
29199 & 32247 of 2014
- 1 The State of Tamilnadu
Rep by its Principal Secretary to Government
Social Welfare and Nutritious Meal
Programme Department,
Fort St.George, Chennai 9
- 2 The Principal Secretary to Government,
School Education Department,
Fort St.George Chennai 9
- 3 The Principal Secretary to Government,
Finance (Pension) Department,
Fort St.George Chennai 9
- 4 The Principal Accountant General (A & E),
Tamilnadu No.361 Anna Salai,
Chennai 18.
- 5 The Director of Social Welfare,
Chinthathripet, Egmore, Chennai 2
- 6 The Director of School Education,
D.P.I.Campus College Road,
Chennai 6
..Respondents in W.P.No.558 of 2015

Prayer in W.P.No.29085 of 2014

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed in letter No.3663/C.C1 (1)/2014-7 dated 19.09.2014 and quash the same and further direct the respondents to sanction pension to the petitioner by taking into consideration the service rendered by the petitioner as noon meal organiser from 16.09.1984 to 09.03.2005 for the purpose of pensionary benefits and grant him pension and all other benefits.

Prayer in W.P.No.29199 of 2014

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, calling for the records of the 1st respondent in connection with the impugned order passed in Letter No.3663/C.C.1(1)/2014-5 dated 19.9.2014 and quash the same and further direct the respondents to sanction pension to the petitioner by taking into consideration the service rendered by the petitioner as Noon Meal Organiser from 19.9.1984 to 1.6.2005 for the purpose of pensionary benefits and grant him pension and all other benefits.

Prayer in W.P.No.32247 of 2014:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, Calling for the records of the 1st respondent in connection with the impugned order passed in Letter No. 3663/C.C.1 (1)/2014-6 dated 19.09.2014 and quash the same and further direct the respondents to sanction pension to the petitioner by taking into consideration half of the service rendered by the petitioner as noon meal organiser from 01.04.1983 to 03.02.2005 for the purpose of pensionary benefits and grant him pension and all other benefits.

Prayer in W.P.No.558 of 2015:

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari Mandamus, Calling for the records relating to the order of the 3rd respondent issued in G.O.Ms. No.41 Finance (Pension) Department dated 9.2.2010 and the order of the 1st respondent issued in G.O.Ms. No.34 Social Welfare and Nutritious Meal Programme (Sa.U.Thee-2) Department dated 14.3.2013 quash the same in so far as the members of the petitioners Association herein are concerned and consequently direct the respondents to count 50% of the temporary services rendered by them in Noon Meal Programme Scheme along with the regular service in the permanent Post for the determination of the pensionary benefit and retiral benefit on reaching Superannuation.

For Petitioners in : Mr.K.Venkataramani,
W.P.No.29085,29199 & Sr. Counsel for
32247 of 2014 Mr.M.Muthappan
For Respondents 1 to 3, : Mrs.P.Kavitha, G.A.
5 & 6 in W.P.No.29085,
29199 & 32247 of 2014
For Respondent No.4 in : Mr.V.Vijayashankar
W.P.No.29085 & 29199/2014
For Respondent No.4 in : Mrs.J.Sreevidya
W.P.No.32247 of 2014

W.P.No.558 of 2015 :

For Petitioner : Mr.R.Muthukannu
For Respondents 1, 3 & 5 : Mr.J.Ramesh, A.G.P.
For Respondents 2 & 6 : Mrs.P.Kavitha, G.A.
For Respondent No.4 : Ms.Hema Muralikrishnan

COMMON ORDER

W.P.No.558 of 2015 filed by Gramasevika Graduate Teachers and Supervisors Welfare Association on behalf of the members of the Association for the very same relief sought for in other writ petitions. As the relief sought for in all the writ petitions and the issue involved in all the writ petitions are one and the same, this Court is inclined to pass common order.

2. The petitioners herein who have served as Noon Meal Organizer on honorarium prior to 2005 and thereafter joined as Physical Education Teacher on consolidated pay, B.T. Assistant and some other posts, whose services were regularised after 1.4.2003, seeks half of the service rendered by the petitioners as Noon Meal Organiser shall be taken into account for the purpose of pensionary benefits. As the request of the petitioners herein was rejected by the authorities concerned by way of the impugned orders cited supra, the petitioners have approached this Court in the present writ petitions.

3. The learned Additional Govt. Pleader and the learned Government Advocate appearing for the respondents submitted that the issue pertains to the 50% of the past service rendered by the writ petitioners prior to regularisation was referred to the Hon'ble Full Bench of this Court and as per the judgment of the Full Bench delivered in a batch of writ appeals in W.A.No.158 of 2016 etc., dated 3.12.2019, the writ petitioners are not eligible for the relief sought for in the writ petitions. The relevant portion of the judgment of the Hon'ble Full Bench reads as follows:

'46 (v) Those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.'

4. Considering the facts and circumstances of the case and in the light of the judgment of the Hon'ble Full Bench cited supra, the writ petitioners are not entitled for the relief sought for in the writ petitions.

5. Accordingly, all the writ petitions are dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Principal Secretary to Government, Govt. of Tamilnadu, Finance (Pension) Department, Fort St.George Chennai 9
- 2 The Principal Secretary to Government, Govt. of Tamilnadu Social Welfare and Nutritious Meal Programme Department, Fort St.George, Chennai 9
3. The Secretary to Government, Govt. of Tamilnadu, School Education Department, Fort St.George, Chennai 9
4. The Accountant General, Accountant & Entitlement, Tamilnadu 259, Anna Salai, III Block II Floor, DMS Compound, Chennai 6.
5. The Director of Social Welfare, Chinthathripet, Egmore, Chennai 2.
6. The Director of School Education, College Road Chennai 6.
7. The Chief Educational Officer, Vellore District, Vellore.
8. The District Educational Officer, Vellore District.
9. The Head Master, Government High School, Keelakothur, Vellore Taluk and District.

+4 cc's Government Pleader,srs.12401, 12402, 12412 & 12413
+3 cc's to Mr.M.Muthappan, Advocate,sr.11647 to 11649
+1 cc to M/s.Hema Muralikrishnan, Advocate,sr.12549
+2 cc's to Mr.V.Vijayshankar,advocate,sr.11718 & 11719.

rv(co)

krd 11/9

W.P.No.29085, 29199, 32247 of 2014 and 558 of 2015