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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 16.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE **N. KIRUBAKARAN**

AND

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

W.A. (MD) Nos. 1107 & 1108 of 2020

and

C.M.P. (MD) Nos. 6068 & 6069 of 2020

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Chennai.
2. The Director of School Education,
College Road,
Chennai.
3. The District Educational Officer,
O/o. The District Educational Officer,
Theni District. : Appellants in both Was/Respondents

Vs.

- K. Murugan : Respondent in WA (MD) No. 1107/20/
Writ Petitioner
- S. Sudhathiraraja : Respondent in WA (MD) No. 1108/20/
Writ Petitioner

COMMON PRAYER: Appeals filed under Clause 15 of the Letters Patent challenging the order dated 05.11.2019, made in W.P. (MD) Nos. 16201 & 16285 of 2019, etc., batch.

Prayer in WP (MD). 16201 of 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 of 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 regulars service for the pension benefits i.e., for the period of 26 years 03 months 19 days.



Prayer in WP(MD). 16285 of 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 of date i.e 06-04-2018 and directing the respondents to take the 50 percent of the part time service rendered by the petitioners ie from 04-01-1988 to 16-10-1992 along with the regulars service for the pesion benefits i.e., for the period of 28 years 06 days.

For Appellants : Mrs.S.Srimathy,
Special Government Pleader

For Respondent : Mr.R.Saravanan
[In both WAs]

COMMON JUDGMENT

(Judgment of the Court was delivered by **N.KIRUBAKARAN, J.**)

These writ appeals are filed by the Department as against the common order passed by the learned Single Judge in W.P.(MD)Nos.16201 & 16285 of 2019, etc., batch, dated 05.11.2019.

2. The respondents / writ petitioners were appointed as Vocational Instructors and subsequently, their service was regularised in the year 1993. For the purpose of counting 50% of the service rendered by them as part time vocational instructors while calculating the pension, they have filed the respective writ petitions and the same were allowed.

3. The Full Bench of this Court in **Government of Tamil Nadu and Others v. R.Kaliyamoorthy and Others**, reported in **2019 (6) CTC 705**, has held that those who have joined in the service and got regularized before 2003 are entitled to the benefit of counting of 50% of their previous service for pensionary benefits. Since the respondents / writ petitioners joined service in the year 1993, they are also entitled to the relief sought for.

4. Therefore, this Court is not inclined to entertain these writ appeals and the same are accordingly, dismissed. The appellants are directed to calculate the pensionary benefits afresh, as per the dictum laid down by the Full Bench in **R.Kaliyamoorthy's** case (cited supra) and pay the same, within a period of twelve weeks from the



date of receipt of a copy of this judgment. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2020

Sub Assistant Registrar (CS)

Gk

+1 CC to SPLGP (SR-26000[F] dated 17/12/2020)

+2 CC to Mr. R. SARAIVANAN, Advocate (SR-25915, 25916[F] dated 17/12/2020)

**W.A. (MD) Nos. 1107 & 1108 of 2020
and**

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