



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **29.07.2020**
CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.8238 of 2020

M.Margret Mary

... Petitioner

-Vs-

- 1.The Secretary to Government,
School Education Department,
St.George Fort, Chennai.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.
- 4.The District Educational Officer,
Thoothukudi, Thoothukudi District.
- 5.The Head Master,
Government Higher Secondary School,
Karungulam, Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to regularize the service of the petitioner as B.T.Assistant in English from the date of appointment that is from 12.07.2004 to 31.05.2006 and to pay the arrears of salary from 12.07.2004-31.05.2006 and to compute the service from 12.07.2004-31.05.2006 rendered by the petitioner at Government Higher Secondary School, Kadaladi, Ramanathapuram for the pensionary and other service and monetary benefits within a time frame that may be fixed by this Court by considering the petitioner's representation dated 05.03.2020.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.A.Thiyagarajan
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus to direct the third respondent to regularize the service of the petitioner as
<https://hcservices.ecourts.gov.in/hcservices/>



B.T.Assistant in English from the date of appointment that is from 12.07.2004 to 31.05.2006 and to pay the arrears of salary from 12.07.2004-31.05.2006 and to compute the service from 12.07.2004-31.05.2006 rendered by the petitioner at Government Higher Secondary School, Kadaladi, Ramanathapuram for the pensionary and other service and monetary benefits, within a time frame to be stipulated by this Court.

2.By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner was appointed as B.T.Assistant (English) at Government Higher Secondary School, Kadaladi, Ramanathapuram District, on 12.07.2004 on contract basis and in that capacity, she was working till 31.05.2006. Thereafter, from 01.06.2006 the petitioner's service has been regularized and she was brought under regular time scale of pay and thereafter, she was promoted as P.G.Assistant with effect from 15.10.2015. On superannuation, she retired from service on 31.05.2018. Pursuant to which, she was paid the retiral and pensionary benefits. However, the grievance of the petitioner is that, for calculating the retiral and pensionary benefits, her service from 01.06.2006 alone was taken into account, and the service rendered by the petitioner from 12.07.2004 to 31.05.2006 was not taken into account. Therefore, in this regard, in order to take the said service also as a valid service for the purpose of calculating the pay fixation and pensionary benefits, the petitioner had given a representation on 05.03.2020. Therefore, if the said representation is decided in the light of the settled legal position in this regard by the respondents, within a time frame to be stipulated by this Court, the petitioner would be satisfied, is contended by the learned counsel appearing for the petitioner.

4.Heard Mr.A.Thiyagarajan, learned Government Advocate, who takes notice on behalf of the respondents, who would submit that, the said request of the petitioner, dated 05.03.2020 would be considered on merits and in accordance with law and order to that effect would be passed, within a time frame.

5.Considering the said submissions made by both sides and by taking into account the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following order:

'that the respondents are hereby directed to consider the representation of the petitioner, dated 05.03.2020 with regard to his grievance that her service from 12.07.2004 to 31.05.2006 shall be treated as a qualified service for pensionary benefits and in this context, the law declared by this Court by a Hon'ble Division Bench judgment, dated 13.01.2020 in **W.A.No.3904 of 2019** in the matter of **Government of Tamil Nadu and others Vs., T.Kunju Krishnan and others**,



can also be taken into account and accordingly, the issue shall be decided and necessary order to that effect shall be passed by the respondents, within a period of twelve (12) weeks from the date of receipt of a copy of this order.'

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

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

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rmk

SDS (18.08.2020) 3P-6C