



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.17867 of 2014

and

M.P(MD)No.1 of 2014

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G.Anandagowri

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Directorate of School Education,
College Road,
Chennai - 600 006.
3. The Joint Director (Technical Education),
Directorate of School Education,
College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
Office of the Chief Educational Officer,
Nagapattinam - 611 001.
5. The District Educational Officer,
District Education Office,
Nagapattinam - 611 001.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of 5th respondent dated 29.08.2011 made in his proceedings NO. Na.Ka.No. 8107/2009/A1 and quash the same and consequently direct the Respondents to sanction the pension and other retirement /terminal benefits to the petitioner taking into account, 50% of Part time service rendered by the petitioner from 10.07.1979 to 12.11.1991 along with the regular service for the pension benefits i.e. 50% of the period of 12 years, 4 months and 10 days and pay the same within a time frame as may be fixed by this Hon'ble Court.



For Petitioner : Mr.S.Karthick
For Respondent : Mr.J.Gunaseelan Muthiah
Addl.Govt.Pleader

O R D E R

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The grievances of the writ petitioner is that her temporary services were not taken into consideration as qualifying service, for the purpose of granting terminal and pensionary benefits.

2. Even at the time of filing of the writ petition, the petitioner was aged about 72 years. Thus, she filed the writ petition after a lapse of about 14 years from the date of her retirement. The impugned order, dated 29.08.2011 also is a complaint sent to the Hon'ble Chief Minister's Cell and the said complaint itself was sent by the petitioner only during the year 2011. Since the petitioner served long back as part time employee, the services cannot be counted for the purpose of calculating the qualifying services. In view of the fact that the petitioner filed the writ petition belatedly claiming certain service benefits, the writ petition is not entertainable. However, regarding grant of 50% of her services, the Full Bench of Madras High Court also settled the issues. If the petitioner is otherwise eligible, as per the Full Bench Judgment, it is for her to approach the competent authorities. However, the writ petition cannot be entertained both on merits as well as on the ground of delay. Thus, the writ petition stands dismissed on the ground of laches. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1. The Secretary,
State of Tamilnadu,
School Education Department,
Fort St.George,
Chennai - 600 009.



2. The Director,
Directorate of School Education,
College Road,
Chennai - 600 006.
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Office of the Chief Educational Officer,
Nagapattinam - 611 001.
5. The District Educational Officer,
District Education Office,
Nagapattinam - 611 001.

+1 CC to the SPL GP (SR-22020[F] dated 18/11/2020)

W.P. (MD) No.17867 of 2014
11.11.2020

ARK(CO)
CS(26.11.2020) 3P 7C