



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.7587 of 2014

and

M.P (MD) .No.1 of 2014

WEB COPY

M.Ramachandaravel

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
rep., by its Secretary,
School Education Department,
Fort St.George, Chennai 09.
- 2.The Director of School Education,
College Road, Chennai-06
- 3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
- 4.The Superintending Engineer,
Purchase and Administration,
Tuticorin Thermal Power Station,
Tuticorin-4.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the first respondent dated 22.10.2009 bearing letter No.29473/VE/2009-1 and quash the same and direct the respondents to take the 50% of the part time service rendered by the petitioner from 01.11.1978 to 18.12.1982 in the fifth respondent department for pensioner benefits.

For Petitioner

: Mr.R.Saravanan

For Respondent

: Mr.J.Gunaseelan Muthiah

Additional Government Pleader
for R1 to R3

Mr.T.Sakthi Kumaran for R4

No appearance for R5

ORDER

The relight sought for in the present writ petition is to direct the respondents to count 50% of the temporary service rendered by the writ petitioner from 01.11.1978 to 18.12.1982 in the Baren Bruck Higher Secondary School, Bungalow Surandai, Tirunelveli for pensionary benefits.



2. With reference to the counting of 50% of the services rendered by the employees, the Hon'ble Full Bench of this Court elaborately adjudicated the issues and delivered a judgment on 03.12.2019 in W.A.No.158 etc., of 2016. The relevant portion of the judgment in para No.45 is extracted hereunder:

45. In the light of the above, we answer the reference as follows:-

i) Those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms.No.259 dated 06.08.2003

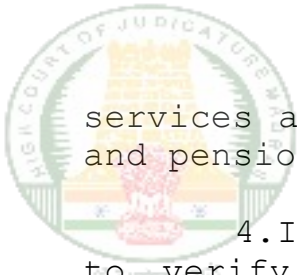
(ii) Those government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978.

(iii) In case, a government employee/servant had also rendered service in non-provincialised service, or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits.

(iv) Those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10 (a) (i) of Tamil Nadu State and Subordinate Service Rules before 01.04.2003 and absorbed into 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.

(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."

3. The writ petitioner is entitled to get benefit as per the judgment of the Hon'ble Full Bench and in this regard, the certificate records of the writ petitioner is to be verified and accordingly, the benefit of counting of 50% of the temporary



services are to be taken into consideration for grant of terminal and pensionary benefits.

4. In this view of the matter, the respondents are directed to verify the certificate records of the writ petitioner and accordingly, extend the benefits of counting of 50% of the services in the light of the judgment of the Hon'ble Full Bench cited supra. The said exercise is to be done as expeditiously as possible.

5. With these directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar (CS)

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To

1. The Secretary,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 09.
2. The Director of School Education,
College Road, Chennai-06
3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

+1 CC to SGP (SR-21094[F] dated 04/11/2020)

+1 CC to Mr.T. SAKTHIKUMARAN, Advocate (SR-21041[F] dated 04/11/2020)

+1 CC to Mr.R. SARAIVANAN, Advocate (SR-21176[F] dated 04/11/2020)

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VR (CO)

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