



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 27.08.2020
DELIVERED ON : 31.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WEB COPY

WP(MD).No.2252 of 2015 and
M.P(MD).Nos. 1 and 2 of 2015

S. Rengarajan

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai -6.

2.The Chief Educational Officer / The Chairman,
School Medical Aid Scheme,
Office of the Chief Educational Officer,
Pudukottai District,
Pudukottai.

3.The Secretary / Headmaster,
School Medical Aid Scheme,
Prahadambal Higher Secondary School,
Pudukottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent's communication in Na.Ka.No.1584/A5/2004, dated 17.09.2010 and quash the same and consequently, direct the second respondent to sanction the service benefits payable to the petitioner in accordance with law within the period stipulated by this Court.

For petitioner : Mr.A. Haja Mohideen

For Respondents : Mr. N. Shanmuga Selvam
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order of the second respondent dated 17.09.2010 in Na.Ka.No.1584/A5/2004 and consequently, direct the second respondent to sanction the service benefits payable to the petitioner within the time frame to be fixed by this Court.

2. The service matrix of the petitioner that are required for this writ petition are as follows:

<https://hcservices.ecourts.gov.in/hcservices/>



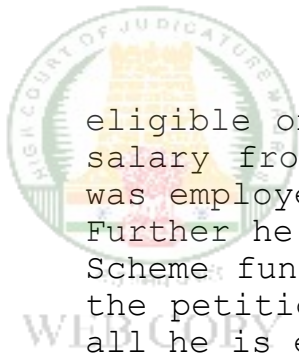
The Chairman District Secondary Schools Medical Aid Scheme Committee temporarily appointed the petitioner as Van driver for Mobile Medical Van for a period of one year with an agreement. The petitioner had executed an agreement for one year service as mentioned in the appointment order R.C.No.11/71, dated 22.07.1971. The agreement was renewed from time to time by resolution, according to the need and fund availability in the Scheme. He was employed in the District Secondary Schools Medical Aid Scheme as Van Driver on agreement basis, payment and other salary benefits are fixed by the committee of the scheme. The Secondary School Medical Inspection Scheme was established separately in Pudukkottai District from 01.11.1982. He was previously employed in the Scheme in Trichy District as Van Driver on contract basis. After bifurcation of Pudukkottai District, the petitioner was migrated from Trichy to Pudukkottai District for this scheme as Van Driver and continued the same service according to the resolution made in the Pudukkottai District Secondary School Medical Inspection Scheme Committee. The Scheme was established and financed by the Special fees fund collected in secondary schools under Medical Inspection and the Norms and Guidelines has been issued in G.O.Ms.No.315, Edn. Dated 04.03.1968.

3. The stand of the respondents is that the petitioner was not paid salary from the Government fund while served in the medical inspection scheme and the Gratuity and special provident fund benefits cannot be issued to the discharged petitioner. In the Government letter No.31867 / E1/2004, dated 20.11.2008 it was clearly stated that the discharged Medical Inspection Van Driver S.Rangarajan is not eligible to issue gratuity and other Special Provident Fund because he was not paid from the Government salary.

4. The learned counsel appearing for the petitioner relied upon the Trichy and Madurai District Secondary School Medical Aid Scheme Rules 3(B), 5 (2), 5(3), 8 and 9 would contend that the petitioner was appointed as Van Driver at Trichy and subsequently, transferred to Pudukkottai District and he was relieved from service. In such circumstances, he has filed the present Writ Petition seeking the service benefits from the respondents.

5. It is to be stated that the petitioner was not paid salary from the Government Fund while he has served in the Medical Inspection Scheme and hence, the Gratuity and Special Provident Fund benefits cannot be issued to the discharged petitioner. The consistent case of the respondents 1 and 2 is that the salary was paid from the fund raised in the scheme by name Medical Inspection scheme is not entitled for any scheme and his service only by an agreement.

6. On perusal of the documents available on records, it is seen that the District Secondary School Medical Inspection Scheme Employees were



eligible only for duty period salaries. The petitioner was not paid salary from the Government fund for his driver duty period and he was employed only in the Secondary School Medical Inspection Scheme. Further he was paid duty period salaries from the Medical Inspection Scheme fund collected from school children as Special fees. Since the petitioner's salary is not paid from the Government fund if at all he is entitled to the salary only for duty period.

7. In this view of the matter, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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

1.The Director of School Education,
College Road,Chennai -6.

2.The Chief Educational Officer / The Chairman,
School Medical Aid Scheme,
Office of the Chief Educational Officer,
Pudukottai District,Pudukottai.

3.The Secretary / Headmaster,
School Medical Aid Scheme,
Prahadambal Higher Secondary School,
Pudukottai District.

+1 CC to M/s.GP (SR-15696[F] dated 02/09/2020)

ORDER MADE IN
WP(MD).No.2252 of 2015 and
M.P(MD).Nos. 1 and 2 of 2015
31.08.2020