

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2021

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2983 of 2021
(Heard through VC)

M.Chandran

.. Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Director of Evaluation and Applied Research,
Kuralagam, 3rd Floor,
Chennai - 600 104.
4. The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

.. Respondents

Prayer:

Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for sanctioning of GPF and other pensionary benefits including Gratuity etc. under Tamil Nadu Pension Rules 1978 by considering the period of half of service rendered by the Petitioner in the post of Investigator on consolidated pay from 19.07.1990 in Evaluation and Applied Research Department (8 years 5 months and 7 days) along with regular service rendered by the Petitioner in the post of Investigator and P.G. Assistant for the period of 9 years 2 months 28 days, in the light of orders passed for similarly placed person Mr.R.Baskaradoss appointed along with the petitioner in W.A.No.1122 of 2013 dated 27.03.2014, by considering the representation submitted by the petitioner dated 04.07.2017, 25.09.2018 & 28.11.2019 within a time frame fixed by this Court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to pass orders for sanctioning of GPF and other pensionary benefits including Gratuity etc. under Tamil Nadu Pension Rules 1978 by considering the period of half of service rendered by the Petitioner in the post of Investigator on consolidated pay from 19.07.1990 in Evaluation and Applied Research Department (8 years 5 months and 7 days) along with regular service rendered by the Petitioner in the post of Investigator and P.G. Assistant for the period of 9 years 2 months 28 days, in the light of orders passed for similarly placed person Mr.R.Baskaradoss appointed along with the petitioner in W.A.No.1122 of 2013 dated 27.03.2014, by considering the representation submitted by the petitioner dated 04.07.2017, 25.09.2018 & 28.11.2019 within a time frame fixed by this Court.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. According to the petitioner, he was appointed as Investigator on consolidated pay vide appointment order dated 10.07.1990 along with others including the one R.Baskaradoss. The petitioner has been brought into time scale of pay with effect from 04.05.2007 and his service has been regularised in the post of Investigator on the same day. While in service, he was selected to the post of P.G. Assistant (Economics) in Education Department vide order dated 07.06.2010 through Teachers Recruitment Board. He joined the post of P.G. Assistant on 03.09.2010 and retired from service on 31.07.2016. As per Section II(2) & Section 43 of the Tamil Nadu Pension Rules, 1978, half of service from 19.07.1990 to 03.05.2007 to be calculated as 8 years 5 months and 7 days. He further rendered regular service in the post of Investigator from 04.05.2007 to 02.09.2010 (3 years 3 months and 28 days) and as P.G. Assistant from 03.09.2010 to 31.07.2016 (5 years 10 months and 28 days). Hence, the total eligible service for consideration of pension comes to 17 years 8 months and 4 days. This Court passed an order in W.P.No.24124 of 2008 dated 30.03.2011 filed by R.Baskaradoss, who was appointed along with the petitioner, directing the respondents therein to count the half of service

rendered on consolidated pay with directions to grant pensionary benefits as per Tamil Nadu Pension Rules, 1978, which was also confirmed in W.A.No.1122 of 2013 dated 27.03.2014. Hence, the petitioner is entitled for GPF and other pensionary benefits under Tamil Nadu Pension Rules, 1978. The petitioner has also submitted representations dated 04.07.2017, 25.09.2018 and 28.11.2019 to the first respondent seeking the above said relief. But, the same has not been considered till date. Hence, this writ petition.

5. Considering the facts and circumstances of the case, as the petitioner's representations are already pending with the authorities concerned, this Court directs the respondents to consider the representations of the petitioner dated 04.07.2017, 25.09.2018 and 28.11.2019, if not already considered, and pass appropriate orders thereon, in accordance with law taking note of the W.A.No.1122 of 2013 dated 27.03.2014. If the principle laid down is applicable to the facts of the present case, that may be looked into and a decision may be arrived at, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of sixty (60) days from the date of receipt of a copy of this order.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representations dated 04.07.2017, 25.09.2018 and 28.11.2019 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Director of Evaluation and Applied Research,
Kuralagam, 3rd Floor,
Chennai - 600 104.
4. The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.8917
+1cc to the Government Pleader, S.R.No.8497

W.P.No.2983 of 2021

KV(CO)
CS/16/03/2021



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