

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2629 of 2021

1. S.Ananthalakshmi
2. K.Rangabhashiyam
3. G.Harrison Kingsley
4. R.Sriraman
5. S.Jayaraman
6. P.Lakshmi

...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 Educaiton,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Chennai Education District,
Presidency Girls Higher Secondary School Campus,
Egmore, Chennai 600 008.
4. The Principal Accountant General (A &E) Tamil Nadu,
O/o. The Principal Accountatn General
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to pass orders for counting 50% of service rendered by the petitioners as Part Time Vocational Instructor towards pensionable service and consequently revise the retirement benefits including regular pension payable to the petitioners from the date of their retirement with all consequential and other attendant benefits as per G.O.Ms.No.194, School Education Department, dated 12.09.2018, by considering the representation submitted by the petitioners in the light of various orders passed by this Court, within a time frame to be fixed by this Court.

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

O R D E R

This writ petition has been filed, seeking a direction to the respondents to pass orders for counting 50% of service rendered by the petitioners as Part Time Vocational Instructor towards pensionable service and consequently revise the retirement benefits including regular pension payable to the petitioners from the date of their retirement with all consequential and other attendant benefits as per G.O.Ms.No.194, School Education Department, dated 12.09.2018, by considering the representation submitted by the petitioners in the light of various orders passed by this Court, within a time frame to be fixed by this Court.

2. By consent of both sides, final orders are passed in the writ petition. Mr.P.Raja, learned Government Advocate takes notice for respondents.

3. The case of the petitioners is that all the petitioners are earlier appointed as Part time vocational Teachers, and subsequently brought into regular establishment with time scale of pay. Therefore, 50 % of service rendered by them is counted towards pensionable service for the purpose of settlement of retirement benefits. But the petitioners are not given the retirement benefits by taking into consideration 50% of service rendered as part time Vocational Instructors as pensionable service as per G.O.Ms.No.194, School Education Department, dated 12.09.2018. Hence, the petitioners made a representation on 10.12.2019. Since no steps have been taken on their representations, the petitioners are before this Court by way of filing writ petition.

4. The learned counsel for the petitioner would rely upon the order passed by the Madurai Bench of this Court made in W.P. (MD).No.22785 of 2019 etc, batch case, dated 05.11.2019, wherein this Court quashed the condition imposed in G.O.Ms.No.194, School Education Department, dated 12.09.2018 fixing the cut-off date for employees to file writ petition, with directions to pass orders for counting 50% of service rendered as Part Time Vocational Instructor as pensionable service. Hence, the petitioners are entitled to be counted for 50 % of service as pensionable service.

5. In view of the limited prayer sought for by the petitioners and if the petitioners' representation is pending

before the authorities concerned, and not disposed of earlier, this Court directs the respondents to consider the representation of the petitioners dated 10.12.2019 including the 1st petitioner, though the name of the 1st petitioner has not been found in the representation, by taking into account of the order of this Court made in W.P.(MD).No.22785 of 2019, etc batch case, dated 05.11.2019, if the principle is applicable to the petitioners herein and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order.

6. The petitioner shall furnish their phone number, email ID, if any, etc., along with a copy of the representation dated 10.12.2019 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 they are not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vum

To:

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Educaiton,
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O/o. The Principal Accountant General
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

+6cc to Mr.G.Sankaran, Advocate, S.R.No.7364
+1cc to the Government Pleader, S.R.No.7349

W.P.No.2629 of 2021

CP(CO)
KKV/18/03/2021



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