

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3527 of 2021
(Heard through VC)

Shanthi Felix

.. 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 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 Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for counting 50% of service rendered by the petitioner as Part Time Vocational Instructor from 09.10.1985 to 04.10.1996 towards pensionable service and consequently revise the retirement benefits including regular pension payable to the petitioner from the date of retirement on 31.03.2020 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 petitioner dated 09.01.2018 in the light of various orders passed by this Court within a time frame to be fixed by this Court.

For Petitioner : Mr.A.Maheshnath

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 counting 50% of service rendered by the petitioners as Part Time Vocational Instructor from 09.10.1985 to 04.10.1996 towards pensionable service and consequently revise the retirement benefits including regular pension payable to the petitioner from the date of retirement on 31.03.2020 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 petitioner dated 09.01.2018 in the light of various orders passed by this Court within a time frame to be 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. The case of the petitioner is that she was initially appointed as part time Vocational Teacher on 09.10.1985 and subsequently regularised as Vocational Instructor with time scale of pay on 05.10.1996. She retired from service on 31.03.2020. This Court had issued a direction in W.P.(MD) No.14365 of 2014 etc. batch, dated 09.07.2018 to count the period of 50% of service rendered as Part Time Vocational Instructor as eligible service for pension and other retirement benefits. Hence, the petitioner has made a representation dated 09.01.2018 to the second respondent requesting to take 50% of service rendered by the petitioner as Part Time Vocational Instructor from 09.10.1985 to 04.10.1996 towards pensionable service and consequently revise the retirement benefits including regular pension payable to the petitioner from the date of retirement on 31.03.2020 with all consequential and other attendant benefits as per G.O.Ms.No.194 School Education Department, dated 12.09.2018. As there was no response, the present writ petition has been filed.

5. Considering the facts and circumstances of the case, as the petitioner's representation is already pending with the authority concerned, this Court directs the respondents herein to consider the representation of the petitioner dated

09.01.2018, if not already considered and pass appropriate orders thereon, in accordance with law, 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 her phone number, email ID, if any, etc., along with a copy of the representation dated 09.01.2018 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 she is not aware of the order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

1.The 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 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 Accountant General,
AG's Office Complex, 361, Anna Salai,
Teynampet, Chennai - 600 018.

+2ccs to Mr.G.Sankaran, Advocate, sr no.10214

+1cc to the Government Pleader, sr no.10443

W.P.No.3527 of 2021

PL (CO)
RMP (01/04/2021)



WEB COPY