



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 16.12.2021

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

C.M.P.No.13464 of 2017
in
W.A. (SR) .No.62710 of 2017

1. The State of Tamil Nadu
rep by its Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.
2. The State of Tamil Nadu
rep by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006. ... Petitioners / Appellants

Vs.

- 1.M.Sambandham
- 2.M.Mariappan
- 3.P.Uthaya Kumar ... Respondents / Respondents

Petition filed under Section 5 of the Limitation Act to condone the delay of 1283 days in filing the Writ Appeal against the order dated 02.01.2014 made in W.P.No.34764 of 2013.

Prayer in W.P.No.34764 of 2013:-Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of certiorarified Mandamus calling for the records relating to the letter of the 2nd respondent having Ref. No. 16280 / VE / 2011-14 dated 14.06.2012 to the 3rd



respondent, rejecting the request of the 3rd respondent to take the services rendered by part time vocational instructors for the purpose of Pension and quash the same and consequently, direct the 4th respondent to send the proposal for computing the 50% service rendered by the petitioners as part time Vocational Instructors, drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to the 1st and 2nd respondents to enable the 1st respondent to sanction the pension to the petitioners based on the said proposal from the date of retirement of the petitioners and to enable the concerned authorities to disburse the pension to the petitioners as and when the petitioners retire from service.

For Petitioners : Mrs.S.Mythereye Chandru,
Special Government Pleader

For Respondents : Ms.C.Uma (R1)
R3 - notice served - No Appearance
R2 - not ready in notice

O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

When the petition is taken up for hearing, the learned Special Government Pleader appearing for the petitioners/appellants submitted that the Government has already passed a Government Order in G.O.Ms.No.194, School Education (SE 7-1) Department dated 12.09.2019 giving benefits to the 1st respondent, hence, nothing survives for adjudication in the petition as well as in the Writ Appeal.

2.Recording the submission made by the learned Special Government Pleader appearing for the petitioners/appellants, the petition is dismissed as infructuous. Consequently, Writ Appeal (SR).No.62710 of 2017 is rejected.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

va



To

1. The Secretary to Government,
State of Tamil Nadu
Finance Department,
Fort St.George, Chennai - 600 009.

2. The Secretary to Government,
State of Tamil Nadu
School Education Department,
Fort St.George, Chennai - 600 009.

3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to Ms.C.Uma, Advocate, S.R.No.67321

+1cc to the Government Pleader, S.R.No. 68309

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NSK 04/01/2022