

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.32217 of 2018

J.Joseph

... Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 600 006.
3. The District Elementary Educational Officer,
Thiruvallur District, Thiruvallur - 602 001.
4. The Assistant Elementary Education Officer,
Thiruvalangadu - 631 210.
5. The Accountant General [A&E] of Tamil Nadu,
No.361, Anna Salai, Teynampet, Chennai - 600 018.
6. The Director of Pension,
Pension Department,
251, Anna Salai, Third Block, Second Floor,
DMS Complex, Teynampet, Chennai - 600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent herein to consider the claim of the petitioner for counting the past services rendered by the petitioner in the post of Higher Grade Teacher from 16.06.1953 to 28.02.1960 in the Schools fell within the jurisdiction of the then Madras Province now in Andhra Pradesh Education Board along with the services rendered by the petitioner from 01.03.1960 to 31.12.1987 rendered in Tamil Nadu under the control of Director of School Education Chennai totally six years, eight months and fifteen days [uncounted service] and in all thirty four years six months and fifteen days [Total service rendered] for the purpose of grant of full pension by passing Orders in the representation dated 28.09.2017 in the light of the Orders passed in the similar case of one Mr.R.Nagasamy in W.P.No.30906

of 2006 dated 22.08.2013 within a time frame that may be fixed by this Court so as to enable the petitioner to get his full pension and other balance of retiral benefits and pensionary benefits.

For Petitioner : Mr.K.Rajkumar

For Respondents: Mr.A.Rajaperumal
Additional Government Pleader - R1 to R4
Mr.S.Balaji - R5

ORDER

This writ petition has been filed by the petitioner seeking a direction to the first respondent to consider the representation of the petitioner dated 28.09.2017 relating to counting of the past services rendered by him in the post of Higher Grade Teacher from 16.06.1953 to 28.02.1960 in the Schools fell within the jurisdiction of the then Madras Province, now in Andhra Pradesh Education Board, along with the services rendered from 01.03.1960 to 31.12.1987 in Tamil Nadu under the control of the Director of School Education, Chennai for the purpose of grant of full pension and pass orders, in the light of the order of this Court dated 22.08.2013 passed in W.P.No.30906 of 2006, within a time frame to be stipulated by this Court.

2. According to the petitioner, he worked as a higher Grade Teacher in CSI Schools at Nagari, Managalam, Vellore and Arumbakkam, which were in the jurisdiction of then North Arcot District in the combined Madras Province under the control of the Director of School Education, Chennai. As the Villages viz., Nagari and Mangalam have now been under the control of Andhra Pradesh Education Board after recognition of States, the petitioner's services in the schools at those villages, have not been taken into account for grant of full pension. On the other hand, the respondents have taken into account only a part of services rendered by the petitioner from 01.03.1960 to 31.12.1987 in Madras Province. Feeling aggrieved, stating that the services rendered by similarly placed persons in Madras Province were considered by the Government and they were granted full pensionary benefits, the petitioner made a representation to the respondents on 28.09.2017 and also sent a reminder on 01.11.2018, requesting to count his past services from 16.06.1953 to 28.02.1960 along with the services from 01.03.1960 to 31.12.1987 for grant of full pension. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submitted that in an identical case in W.P.No.30906 of 2006, the petitioner therein worked as a Lower Division Clerk in Settlement Office, Tiruttani, within the then composite Madras State; and this Court by order dated 22.08.2013, allowed the said writ petition by directing the respondents therein to count half of the service rendered by the petitioner therein for the purpose of pension and accordingly, revise the pensionary benefits to him, along with arrears of pension. Challenging the said order, the State preferred an appeal in WA.No.281 of 2015, which was dismissed by the Division Bench of this Court by judgment dated 03.03.2015. Stating so, the learned counsel submitted that the petitioner is a similarly placed person like of the petitioner in WP.No.30906 of 2006, the said benefit may be extended to him as well.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents fairly submitted that the respondents would consider the representation of the petitioner and pass orders, in the light of the order referred to by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent authorities to consider the representation of the petitioner dated 28.09.2017 and the reminder dated 01.11.2018 and pass appropriate orders, on merits and in accordance with law and also in the light of the aforesaid order dated 22.08.2013 passed in W.P.No.30906 of 2006, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also permitted to communicate this order to the respondent authorities enclosing a copy of the representation dated 28.09.2017 and the reminder dated 01.11.2018 already sent to the first respondent, for early consideration.

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

vrc

To

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251, Anna Salai, Third Block, Second Floor,
DMS Complex, Teynampet, Chennai - 600 006.

+1cc to Mr.K.Rajkumar, Advocate SR.No.19416

+1cc to Mr.S.Balaji, Advocate SR.No.19567

+1cc to Government Pleader SR.No.19371

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