



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.[MD]No.291 of 2021

and C.M.P. (MD) No.948 of 2021

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- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Commissioner,
Government Data Center,
Guindy, Chennai - 600 025.
- 4.The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District - 629 001.
- 5.The District Educational Officer,
Thuckalay, Kanyakumari District - 629 001.
- 6.The Headmaster,
Government High School,
Thirunathikarai,
Kanyakumari District. .. 1 to 6 Appellants/1, 2, 4 to 7
Respondents

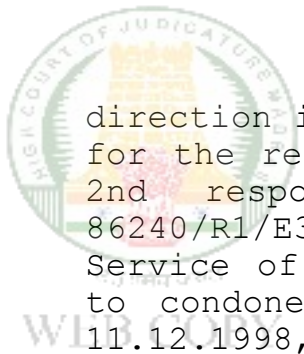
Vs.

- 1.T.Amirtha Bai .. 1st Respondent/Writ Petitioner
- 2.The Accountant General,
Officer of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai,
Chennai - 600 018. .. 2nd Respondent/3rd Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 13.10.2020, in W.P.[MD]No.15350 of 2015.

Prayer in WP(MD). 15350/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue an appropriate Writ, order or



direction in the nature of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent Director of School Education in Na.Ka.NO. 86240/R1/E3/2014 dated 08.07.2015 declining to reckon the half of Service of the petitioner as Child Welfare Organiser and declining to condone one day break in Service of the petitioner i.e., on 11.12.1998, and further quash the same and further Direct the 2nd Respondent director to condone one day break in service of the petitioner i.e. on 11.12.1998, and further direct the respondents to reckon the half of service rendered by the petitioner as Child Welfare Organiser form 01.07.1982 to 10.12.1998 i.e., 8 years 2 months 20 days for pension and other Retirement Benefits.

For Appellants : Mr.A.K.Manickam
Standing Counsel for Government

For Respondent No.1 : Mr.S.Xavier Rajini

For Respondent No.2 : Mr.P.Gunasekaran

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.A.K.Manickam, learned Standing Counsel for Government, appearing for the appellants, Mr.S.Xavier Rajini, learned counsel for respondent No.1 and Mr.P.Gunasekaran, learned Standing Counsel for respondent No.2.

2.The appellants before us challenge the correctness of the order dated 13.10.2020, in W.P.(MD) No.15350 of 2015. The said Writ Petition was filed challenging the order passed by the second appellant dated 08.07.2015, declining to condone the delay of one day break in service of the petitioner i.e. on 11.12.1998 and rejecting the request of the first respondent/writ petitioner to reckon the half of his service as Child Welfare Organiser from 01.07.1982 to 10.12.1998 and for consequential directions.

3.The learned Writ Court allowed the Writ Petition taking note of the peculiar facts and circumstances of the case that as there was a Statewide Bundh, the petitioner could not join the post on 11.12.1998. The learned Standing Counsel for the appellants contended that it is factually incorrect and even if the first respondent sought for permission, appropriate joining time would have been granted.

4.In our considered view, the learned Single Bench has rightly granted the relief of counting half of the services of the first respondent in the post of Child Welfare Organiser for the purpose of pensionary benefits by condoning the delay of one day and the non-joining of the first respondent in the said post was due to the reason beyond his control. Therefore, we find no ground to interfere with the reasoned order of the Writ Court.



5. Accordingly, the Writ Appeal is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary,
Department of Finance (Pension),
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
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6. The Headmaster,
Government High School,
Thirunathikarai, Kanyakumari District.
7. The Accountant General,
Officer of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai, Chennai - 600 018.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-21859[F] dated 09/07/2021)

+1 CC to M/s.SPL GP (SR-22135[F] dated 12/07/2021)

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RK (23.07.2021) 3P 10C