



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.8023 of 2021

S.Renganathan

... Petitioner

-Vs-

1.The State of Tamilnadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St.George, Chennai-09.

2.The Joint Director (Vocational) of
School Education,
College Road, Chennai-06.

3.The Chief Educational Officer,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take 50% of the part time service rendered by the petitioner i.e., from 19.02.1985 to 31.03.1990 along with the regular service for the pension benefits i.e., for the period of 33 years 07 months 21 days based on the judgment passed by the Hon'ble Division Bench in W.A.No.517 of 2020, dated 13.08.2020.

For Petitioner : Mr.R.Saravanan

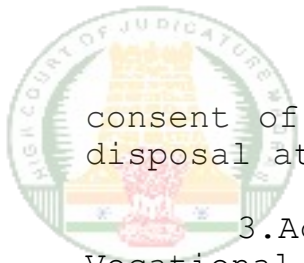
For Respondents : Mr.C.M.Mari Chellaiah Prabhu
Special Government Pleader

ORDER

This Writ Petition is filed to direct the respondents to take 50% of the part time service rendered by the petitioner i.e., from 19.02.1985 to 31.03.1990 along with the regular service for pensionary benefits i.e., for the period of 33 years 07 months 21 days based on the judgment passed by the Hon'ble Division Bench in W.A.No.517 of 2020, dated 13.08.2020.

2. Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice on behalf of the respondents. By

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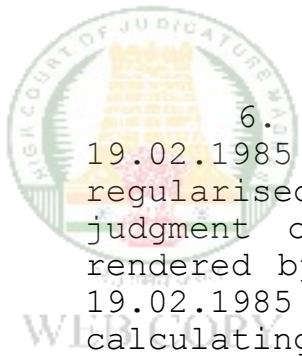


consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, he was appointed as Part Time Vocational Instructor on 19.02.1985 at Government Boys Higher Secondary School, Orathanadu and Double Part Time Vocational Instructor from 15.07.1985. His service was regularised on 01.04.1990. Even though the petitioner was appointed as Part Time Vocational Instructor on 19.02.1985, the petitioner was discharging his work on Full Time basis. He attained the age of superannuation on 30.04.2020 and he was permitted to retire from service. While calculating the pensionary benefits, the respondents have not considered the period of service rendered by the petitioner from 19.02.1985 to 31.03.1990 as Part Time Vocational Instructor. In this regard, the petitioner sent a representation on 15.10.2020. Since no order has been passed, the petitioner has come out with the present writ petition.

4. The learned counsel appearing for the petitioner relied on the judgment dated 13.08.2020 made in W.A.(MD)No.517 of 2020 [The State of Tamil Nadu, Rep. by its Secretary, School Education Department and others Vs.S.Durairaj and another] and order dated 01.09.2020, passed in W.P(MD)Nos.9721 of 2020 etc., batch [I.Sundaralingam vs. The State of Tamil Nadu, Rep. by its Secretary, School Education Department and others].

5. From the submissions of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents, it is seen that the petitioner was appointed as Vocational Instructor on part time basis on 19.02.1985 and his service was regularised with effect from 01.04.1990. The petitioner retired from service on 30.04.2020 on attaining the age of superannuation. According to the petitioner, while calculating the pensionary benefits, his part time service was not considered. The issue whether the employee is entitled to 50% of part time service rendered by him was considered by the Division Bench of this Court in W.A(MD)No.517 of 2020, dated 13.08.2020, relying on the judgment of the Full Bench of this Court in ***Government of Tamil Nadu, represented by its Secretary to Government, Public Works Department and others v. R.Kaliyamoorthy*** reported in ***(2019) 6 CTC 705***. The Division Bench of this Court after relying on the above said decision of the Full Bench of this Court, held that if an employee was regularised before 01.04.2003, he/she is entitled to 50% of service rendered by him/her as part time employee for the purpose of conferment of pension and the Division Bench in Writ Appeal confirmed the order of the Single Judge, wherein, the learned Single Judge, held that 50% of service rendered by the employee on part time basis must be taken into consideration for calculating pension.



6. According to the petitioner, he was appointed on 19.02.1985 as Part Time Vocational Instructor and his service was regularised on 01.04.1990 and in view of the same, as per the judgment of this Court referred to above, 50% of the services rendered by the petitioner as Part Time Vocational Instructor from 19.02.1985 to 31.03.1990 must be taken into account while calculating the pension payable to the petitioner.

7. For the above reasons, the respondents are directed to take 50% of the part time service rendered by the petitioner, i.e., from 19.02.1985 to 31.03.1990 along with the regular service for the pensionary benefits i.e., for the period of 33 years 07 months 21 days, based on the judgment of the Division Bench of this Court in W.A(MD)No.517 of 2020, dated 13.08.2020.

8. In the result, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(AE)

//True copy//

/ /2021

Sub Assistant Registrar

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 Principal Secretary,
School Education Department,
Fort St., George, Chennai-09.
- 2.The Joint Director (Vocational) of
School Education, College Road,
Chennai-06.
- 3.The Chief Educational Officer,
Thanjavur District.

+1 CC to Mr.R.SARAVANAN, Advocate (SR-16684[F] dated 20/04/2021)
+1CC to THE SPECIAL GOVERNMENT PLEADER(SR-16765[F] dated 20/04/2021)

Order made in
W.P. (MD)No.8023 of 2021
19.04.2021

AM

SRS/24.05.2021/3P/6C

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