



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.04.2021**

**CORAM:**

WEB COPY

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**  
**W.P. (MD)No.8356 of 2021**

P.Vasanthakumari Amma

... Petitioner

Vs.

1. The Secretary to Government,  
School Education Department,  
Secretariat,  
St. Fort George,  
Chennai.
2. The Account General (Accounts & Entitlement)  
Tamil Nadu, Chennai.
3. The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.
4. The Sub Treasury Officer,  
Vilavancode Sub-Treasury Office,  
Kanyakumari District.
5. The Head Master,  
Government Higher Secondary School,  
Arumanai,  
Kanyakumari District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and disburse the eligible pension by calculating 50% of service rendered by the petitioner as Vocational Instructor from 26.10.1978 to 31.03.1990 along with regular pension service as per G.O.Ms.No.194, School Education (Pa7-1) Department dated 12.09.2018 for the purpose of calculation of pension by considering the proposal submitted by the 5<sup>th</sup> respondent, dated 19.02.2019 and disburse the pensionary benefits in accordance with



For Petitioner : Mr.S.C.Herold Singh  
For R1,R3 & R5 : Mr.C.M.Mari Chellaiah Prabhu  
Additional Government Pleader  
For R2 : Mr.P.Gunasekaran

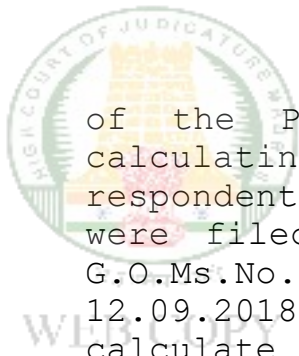
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**ORDER**

This writ petition is filed seeking a writ of mandamus directing the respondents to sanction and disburse the eligible pension by calculating 50% of service rendered by the petitioner as Vocational Instructor from 26.10.1978 to 31.03.1990 along with regular pensionable service as per G.O.Ms.No.194, School Education (Pa7-1) Department, dated 12.09.2018, for the purpose of calculation of pension, by considering the proposal submitted by the 5<sup>th</sup> respondent, dated 19.02.2019, and disburse the pensionary benefits in accordance with the same.

2. Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader takes notice for the respondents 1, 3 & 5 and Mr.P.Gunasekaran, learned Standing Counsel takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was appointed as Part Time Vocational Instructor on 26.10.1978 in the fifth respondent school. She had worked as Part Time Vocational Instructor from 26.10.1978 to 31.03.1990. Even though she was appointed as Part Time Vocational Instructor, she was discharging her work only full time instructor. Considering the work load of the petitioner, the third respondent, by his proceedings in Na.Ka.No.3143/E4/91, dated 21.03.1991, observed her services as full time Vocational Instructor with effect from 01.04.1990. According to petitioner, the respondents regularized her services as Full Time Vocational Instructor with effect of 01.04.1990 instead of from her initial date of appointment, that is from 26.10.1978. She has not given the benefits for the period from 26.10.1978 to 31.03.1990. After rendering 11 years 3 months 2 days of service as Part Time employee and 17 years 2 months of service as full time Vocational Instructor, totally 22 years 10 months 18 days, she retired from service on 31.05.2007. The first respondent fixed the qualified service for eligible pension only from 01.04.1990 to 31.05.2007 and the service rendered by her from 26.10.1978 to 31.03.1990 was not considered. Similarly placed persons like that of the petitioner, approached this Court and batch of writ petitions were filed. This Court considering the grievance of the similarly placed persons, directed the authorities to calculate 50% services



of the Part Time Vocational Instructor for the purpose of calculating pension. In pursuant to the order of this Court, the respondents implemented the same. Since several writ petitions were filed, the first respondent issued a Government Order in G.O.Ms.No.194, School Education (SE7-1) Department, dated 12.09.2018, in and by which, the first respondent ordered to calculate 50% of services rendered by the similarly placed persons, like that of the persons, who approached this Court, would be counted for the purpose of disbursing pension. The petitioner has sent a representation to the respondents to extend the benefits of G.O.Ms.No.194, dated 12.09.2018 to her. Despite the receipt of her representation, the respondents have not taken any effective steps sofar, and hence, the petitioner has come out with the present writ petition.

4. Considering the above said submissions and G.O.Ms.No.194, School Education (SE7-1) Department, dated 12.09.2018, 50% of the service rendered by the petitioner as Part Time Vocational Instructor has to be taken into consideration for calculating the pension. Further, the fifth respondent has also sent proposal to the second respondent for sanction of pension calculating 50% of the services rendered by the petitioner, but the second respondent has not passed any orders.

5. In view of G.O.Ms.No.194, School Education (SE7-1) Department, dated 12.09.2018, the second respondent is directed to consider the proposal sent by the fifth respondent taking into consideration the above said Government Order and pass appropriate orders on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. In view of the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To

1. The School Education Department,  
Secretariat,  
St. Fort George,  
Chennai.

2. The Account General (Accounts & Entitlement)  
Tamil Nadu, Chennai.

3. The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.

4. The Head Master,  
Government Higher Secondary School,  
Arumanai,  
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate ( SR-17226[F] dated  
23/04/2021 )

+1 CC to M/s.SPL GP ( SR-17575[F] dated 26/04/2021 )

**W.P. (MD) No.8356 of 2021**  
**22.04.2021**

RS (05.05.2021) 4P 7C