



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.8906 & 8907 of 2022

G.Selvaraj ... Petitioner in W.P.No.8906 of 2022

S.Kamalanathan ... Petitioner in W.P.No.8907 of 2022

vs.

1.The State of Tamil Nadu Rep. by  
its Secretary to Government,  
School Education Department,  
Fort St.George, Chennai - 9.

2.The Director of Elementary  
Education, DPI Compound,  
College Road, Chennai - 6.

3.The District Educational Officer,  
Pattukottai Educational District,  
Pattukottai.

4.The Block Educational Officer,  
Madukkur Union, Pattukottai Taluk,  
Thanjavur District.

5.The Principal Accountant General,  
(Accounts & Entitlement),  
Nandanam, Annasalai,  
Chennai - 18. ... Respondents in W.P.No.8906 of 2022

Prayer in W.P.No.8906 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to count 50% part-time services rendered by the petitioner for the period from 27.12.1988 to 19.02.1996 along with his Regular Service, for the purpose of qualifying service for pension and to confer all consequential revision of pension and other benefits to the petitioner.



Prayer in W.P.No.8907 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to count 50% part-time services rendered by the petitioner for the period from 31.03.1984 to 05.01.1990 along with his Regular Service, for the purpose of qualifying service for pension and to confer all consequential revision of pension and other benefits to the petitioner.

(In both writ petitions)

For Petitioner : Mr.V.Ravikumar

For RR1 to 4 : Mr.V.Manoharan  
Additional Government Pleader

#### COMMON ORDER

Both the writ petitions have been filed seeking to issue a Writ of Mandamus, directing the respondents to count 50% of the part-time service period rendered by the petitioners along with their Regular Service, for the purpose of pensionary benefits.

2. The facts and circumstances and the issues involved in the writ petitions are one and the same and hence, this court passes the common order.

3. The case of the petitioner in brief:

The petitioner in W.P.No.8906 of 2022 was appointed as a Part time Vocational Instructor in the Panchayat Union Middle School, Pulavanchi, Madukkur Union on 26.12.1988 and he was brought into regular service as full time vocational instructor, with effect from 20.02.1996 and thereafter, he retired from service on 30.10.2016.

The petitioner in W.P.No.8907 of 2022 was appointed as a Part time Vocational Instructor in the Panchayat Union Middle School, Vilamal, Thiruvarur Union on 31.03.1984 and he was brought into regular service as full time vocational instructor, with effect from 06.01.1990 and thereafter, he retired from service on 30.04.2018.

3.1. As per G.O.Ms.No.39, Rural Development Department dated 13.06.2011, the candidates, who were absorbed regularly earlier prior to 01.04.2003, 50% of Part Time Services to be added for qualifying service for pension and the pensionary benefits to be granted on that basis. Therefore, the petitioners made



representation dated 16.10.2019 to the respondents to count 50% part time service rendered by them as qualifying service along with their regular service for the purpose of pensionary benefits. But there is no response from the respondents. Hence the writ petitions.

4. The learned Additional Government Pleader placed the Government Order in G.O. Ms.No.194 (School Education Department) dated 12.09.2018 before this court and submitted that, as per the above Government Order, the persons who approached the court after 06.04.2018 are not entitled to count 50% of Part time service rendered by them for the purpose of pensionary benefits. Therefore, the petitioners are not entitled to get the relief and the writ petitions are liable to be rejected.

5. To reply the same, the learned counsel appearing for the petitioners submitted that, in the year 2015 itself, a writ petition in W.P.No.23241 of 2015 was filed by the Tamil Nadu Secondary Grade Trained Technical Teachers Association to quash letter No.13588/ NEVA2(2)/14 dated 07.10.2014 and to count 50% of the service rendered by the members of the Association as Part-Time Craft Teachers for the purpose of pensionary benefits and the same was allowed by this court vide order dated 31.07.2015. Challenging the above order, the Government had filed Appeal in W.A.1396 of 2017. A Division Bench of this court, vide order dated 26.06.2019, has allowed the Appeal stating that without any particulars about the members of the Association or the details of the teachers, the Writ Petition filed by the Association cannot be entertained. However, Liberty is granted to the aggrieved employees to approach the concerned Department or the Court for appropriate relief. Therefore, the petitioners being the members of the Association, they filed representations dated 16.10.2019 to the respondents, But the respondents have not considered it. Therefore, the writ petitions may be allowed and 50% of part time service rendered by the petitioners has to be taken into account along with the regular service, for the purpose of pensionary benefits.

6. Though it is stated by the learned counsel appearing for the petitioners that the petitioners are the members of the above Association, no materials has been placed before this court to prove the same. Further, it is stated by the petitioners that their representations are pending before the respondents, without any consideration. Therefore, this court is inclined to pass the following order.



i) The first respondent is directed to consider the representations of the petitioners dated 16.10.2019 and to pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, by taking note of the submissions made by the parties.

ii) It is needless to say that, if the petitioners wanted to furnish any additional particulars, the same shall be furnished, within one week from the date of receipt of a copy this order.

7. With the above directions, the writ petitions are disposed of. No costs.

SD/-  
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

mst

To

- 1.The Secretary,  
School Education Department,  
Fort St.George, Chennai - 9.
- 2.The Director of Elementary Education,  
DPI Compound, College Road, Chennai - 6.
- 3.The District Educational Officer,  
Pattukottai Educational District,  
Pattukottai.
- 4.The Block Educational Officer,  
Madukkur Union, Pattukottai Taluk,  
Thanjavur District.
- 5.The Principal Accountant General,  
(Accounts & Entitlement),  
Nandanam, Annasalai,  
Chennai - 18.



6.The Chief Educational Officer,  
Thiruvarur District,  
Thiruvarur.

7.The District Educational Officer,  
Thiruvarur,  
Thiruvarur District.

+2cc to Mr.V.Ravikkumar, Advocate Sr.24731  
+1cc to the Government Pleader Sr. 25292

W.P.Nos.8906 & 8907 of 2022

ss[co]  
srg 11/05/2022