



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.6008 OF 2014

AND

M.P.NO.2 OF 2014

1. S.Neelavathy
W/o.K.Natarajan
2. C.Hariharan Nair
S/o.P.K.Chellappan Pillai
3. K.Somasundaram Pillai
S/o.Kumaraswamy Pillai
4. T.Ramanathapillai
S/o.S.Thandavamoorthy Pillai
5. K.Emelda
D/o.R.Kannusamy
6. K.Suseela
W/o.Parasu Pillai
7. K.Liyagath Ali
S/o.Late Khadar Khan Sahib
8. K.Sakthivel
S/o.Karuppasami Nadar

... Petitioners

Vs.

1. The State of Tamil Nadu,
represented by its
Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.
2. The State of Tamil Nadu,
represented by its
Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.



3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the letter of the second respondent having Ref.No.16280/VE/2011-4 dated 14.06.2012 rejecting the request of the third respondent to take the services rendered by part time vocational instructors for the purpose of pension and quash the same and consequently, direct the fourth respondent to send the proposal for computing 50% service rendered by the petitioners as part time Vocational Instructors drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules to the respondents 1 and 2 to enable the first respondent to sanction the pension to the petitioners based on the said proposal from the date of retirement of the petitioners and to enable the concerned authorities to disburse the pension to the petitioners.

For Petitioners	:	Ms.C.Uma
For Respondents	:	Mr.S.Prabhakran, Government Advocate

O R D E R

The grievance of the writ petitioner is that 50% of the services rendered by the petitioner as part-time vocational instructor is to be counted for reckoning the qualifying service for grant of pension.

2. Rule 11(4) of the Tamil Nadu Pension Rules was amended and accordingly, 50% of the temporary services shall be taken for the purpose of reckoning the qualifying services if the conditions stipulated in the rules are complied with. However, the Hon'ble Full Bench of this Court while interpreting the rules, has clarified that part-time services cannot be counted for the purpose of reckoning the qualifying services under Rule 11(4) of the Tamil Nadu Pension Rules.



3. In the present case, the petitioner was working as part-time vocational instructor and therefore, such part-time services cannot be taken into consideration for the purpose of reckoning the qualifying service. Thus, the petitioner is not entitled for the relief as such sought for in the present writ petition.

Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Finance Department,
Fort St.George, Chennai - 600 009.
2. The Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.
3. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
4. The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to Ms.C.Uma, Advocate, S.R.No.33802
+1cc to the Government Pleader, S.R.No.34525

Writ Petition No.6008 of 2014

GPL(CO)
PM/21/06/2022