



Order dated : 20.09.2022
Writ Petition No.7460 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Writ Petition No.7460 of 2016

&

W.M.P.No.6677 of 2016

R.Jayalakshmi

... Petitioner

Vs.

1. Government of Tamil Nadu
Rep. by Secretary to Government
School Education Depttment
Secretariat, Chennai - 600 009

2. The Director of School Education
Chennai - 600 006

3. The District Educational Officer
South Chennai District
Chennai - 600 008

4. The Secretary
Sri RKM Saradha vidyalaya Girls
Higher Secondary School
No.134, Usman Road
T.Nagar, Chennai - 600 017

5. The Accountant General (A & E)
Tamil Nadu, Chennai - 600 018

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the records on the



Order dated : 20.09.2022
Writ Petition No.7460 of 2016

file of the 3rd respondent relating to orders in (1) Pro.O.Mu.No.1450/B3/2014 dated 20.08.2014 (2) Pro.O.Mu.No.466/B3/2015 dated 04.03.2015 and (3) Pro.O.Mu.No.2155/B3/2015 dated 20.07.2015 to quash the same and issue consequential direction to the respondents to count the temporary services of the petitioner as Tamil Pandit in the 4th respondent school from 06.09.1982 to 10.03.1983 (with artificial breaks) along with the regular service by her from 02.02.1976 to 29.04.1976 and from 04.07.1983 to 31.01.2008 for computing the total qualifying service for pension and to revise her pensionary benefits on that basis and disburse consequential monetary benefits with interest within a time frame.

For Petitioners : Mr.J.Ravi
for Mr.M.Ravi

For Respondents : Ms. S.Mythreya Chandru
Special Govt. Pleader for R1 to R3

Ms.J.Sreevidya for R5
No appearance for R4

ORDER

The claim of the writ petitioner to count the temporary service of the petitioner in the 4th respondent aided school from 06.09.1982 to 10.03.1983 was rejected by the respondents on the ground that the petitioner approached the authorities belatedly and further, during the relevant point of time, she was in substituted service in the fourth respondent aided school.

2. The petitioner was appointed as Tamil Pandit in the fourth respondent aided school on 04.07.1983 and retired from service on 31.01.2008. The



Order dated : 20.09.2022
Writ Petition No.7460 of 2016

grievance of the writ petitioner is that the services rendered by her from 06.09.1982 to 10.03.1983 has not been taken into account for the purpose of calculation of qualifying service.

3. The learned Special Government Pleader appearing on behalf of the respondents made a submission that during the said period, the petitioner served as leave substitute teacher and therefore, said period was not taken into consideration as there is no rule to consider the said period as qualifying service. Beyond these facts, the petitioner was allowed to retire from service on 31.01.2008 and the writ petition is filed in the year 2016 after a lapse of 8 years from the date of retirement. The relief sought for is with reference to the period from 06.09.1982 to 10.03.1983. Thus, the petitioner ought to have raised this issue during the relevant point of time or at least at the time of retirement. The petitioner slept over for her right for several years and therefore, now such claims cannot be entertained after a lapse of many years.

Thus, the writ petition stands rejected on the ground of laches. No costs. Consequently, connected miscellaneous petition is closed.

20.09.2022

Index: Yes
Speaking order
gpa



Order dated : 20.09.2022
Writ Petition No.7460 of 2016

To

1. The Secretary to Government
Government of Tamil Nadu
School Education Deptment
Secretariat, Chennai - 600 009
2. The Director of School Education
Chennai - 600 006
3. The District Educational Officer
South Chennai District
Chennai - 600 008
4. The Secretary
Sri RKM Saradha vidyalaya Girls
Higher Secondary School
No.134, Usman Road
T.Nagar, Chennai - 600 017
5. The Accountant General (A & E)
Tamil Nadu, Chennai - 600 018



WEB COPY



Order dated : 20.09.2022
Writ Petition No.7460 of 2016

S.M.SUBRAMANIAM., J

gpa

Writ Petition No.7460 of 2016 &
W.M.P.No.6677 of 2016

20.09.2022