



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2022

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.NO.28443 OF 2021

T.Ravi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by its Secretary to Government,
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Elementary Education Office,
Chennai -600 006.
3. The District Educational Officer,
Chidambaram, Cuddalore District.
4. The Principal Accountant General of Tamil Nadu (A&E),
Chennai - 600 018.
5. The Block Educational Officer,
Block Educational Office,
Parangipettai, (Iruppu) Sammandam,
B.Matlur Taluk,
Chidambaram Taluk - 608 501.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents to count petitioner's service rendered on contract basis as Secondary Grade Teacher during the period 02.11.1987 to 29.04.1988 for the pensionary benefits by considering the petitioner's representation dated 02.11.2021 within the time limit fixed by this Court.



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For Petitioner .. Mr.M.Vijayakumar
For Respondents .. Mr.Abishek Moorthy,
Government Advocate
(for R.1 to R.3 & R.5)
Ms.T.S.Selvarani
Standing counsel

ORDER

The petitioner was originally appointed as Second Grade Teacher on 02.11.1987 in regular time scale of pay in a sanctioned post. He worked in such capacity from 02.11.1987 to 28.04.1988. According to the petitioner, he was thereafter appointed permanently after a short break in service which according to him was a artificial break. He continued in service thereafter and promoted upto the post of B.T. Headmaster and retired from service after attaining age of superannuation on 31.10.2013.

2.According to the petitioner, he has been receiving pension, but his service rendered during 02.11.1987 to 27.04.1988 was not included as the same was construed to be a contractual service. The petitioner appears to have submitted a representation in this regard on 02.11.2021 for counting of his service for the above said period, but as no response is forthcoming, he is before this Court seeking issuance of writ of mandamus. When the matter is taken up for hearing, the learned counsel for the petitioner would submit that what is prayed in the writ petition is to direct the third respondent to dispose of his representation.

3.Mr.Abhisekh Moorthy, learned Government Advocate appeared for the respondents 1 to 3 & 5 and would submit that he has no objection if the writ petition is disposed of directing the third respondent to pass orders on the representation of the petitioner.

4.In view of the limited scope of the prayer and also as there were no serious legitimate objections for disposing of the writ petition, the same is disposed of as under;

The third respondent - competent authority is directed to pass appropriate orders on merits and in accordance with law in response to the representation said to have been made by the petitioner dated 02.11.2021 within a



period of four weeks from the date of receipt of copy of this order.

No costs.

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Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St.George, Chennai - 600 009.
2. The Director,
Elementary Education Office,
Chennai -600 006.
3. The District Educational Officer,
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B.Matlur Taluk,
Chidambaram Taluk - 608 501.

+1cc to M/s.M.Vijayakumar, Advocate, S.R.No.6232

+1cc to the Government Pleader, S.R.No.6423

W.P.No.28443 of 2021

PMK(CO)

RLP(10/02/2022)