



W.P.(MD)No.1639 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **26.07.2022**

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P(MD)No.1639 of 2019

J.D.Packiavathy Esthar

.. Petitioner

Vs.

1.The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Karur.

2.The Assistant Elementary Education Officer,
Office of the Assistant Elementary Educational Office,
Thogamalai, Karur District.

3.The Headmaster,
Panchayat Union Primary School,
Rakkampatti, Karur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to provide the petitioner's continuity of service by counting his prior service between 30.07.2001 and 16.07.2009 in Nehru Vidyasalai Primary School, Madurai with back wages with all attendant and monetary benefits based on his representation dated 07.10.2017.



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For Petitioner : Mr.S.Karthick Subramanian

For Respondents : A.Kannan
Additional Government Pleader

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ORDER

This writ petition has been filed to direct the first respondent to provide the petitioner's continuity of service by counting his prior service between 30.07.2001 and 16.07.2009 in Nehru Vidyasalai Primary School, Madurai with back wages with all attendant and monetary benefits based on his representation, dated 07.10.2017.

2. The petitioner herein had originally joined as Secondary Grade Teacher in Nehru Vidhyasalai Primary School, Madurai, which is the a Government Aided School, on 30.07.2001. She was working there up to 16.07.2009. She resigned her job in Nehru Vidhyasalai Primary School, since she was appointed as Secondary Grade Teacher in Panchayat Union Primary School in Goundampatty on 15.07.2009 as per the direction of the Hon'ble Supreme Court in SLP.Nos.18227 and 18228 of 2008, and she was relieved from that School on 16.07.2009. She joined in Panchayat Union Primary School, Gowdanpatty, on 17.07.2009. Thereafter, she was transferred to Panchayat Union Primary School, Rakkampatti on



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19.09.2011 and she is continuing her service as Secondary Grade Teacher. Now, the grievance of the petitioner is that her basic salary and other increments are calculated as per her appointment in Government School on 17.07.2009. As per G.O(Ms).No.1072, Personnel and Administrative Reforms (FR.III) Department, dated 31.10.1986, which held that the periods prior to discharge from service shall count for purpose of future increment in the time scale of pay of that post. As such, if her past service may be taken into consideration for future benefits, she will eligible for old pension scheme.

3.In this regard, the petitioner herein had given a representation on 07.10.2017 seeking for inclusion of his past service in Nehru Vidhyasalai Primary School, Madurai between 30.07.2001 and 16.07.2009 for the purpose of calculating pensionable benefits to the respondents.

4. In the light of the above observations as well as the decision of this Court in the case of ***K.Rathnavelu Vs., The Government of Tamil Nadu, Higher Education Department and others*** passed in **W.P.No.9538 of 2013, dated 04.03.2022**, in which it was held that the past service should also be taken into account for the purpose of calculating the pensionable service.



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5. Accordingly, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 07.10.2017 in the light of the observation made in the aforesaid decision, within a period of eight(8) weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands allowed. No costs.

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Index : Yes / No
Internet : Yes / No
Rmk

To

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M.S.RAMESH,J.

Rmk

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