



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.1953 of 2019

- 1.T.Amuthalekshmi
- 2.R.Chandra Bose
- 3.B.Dhanapal
- 4.P.Francis Xavier
- 5.A.Hilda Mary
- 6.S.Joseph
- 7.V.Ponnammal
- 8.J.Selin Mary

... Petitioners

-vs-

1.The State of Tamilnadu,
Rep., by the Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

3.The Joint Director of School Education (Vocational),
O/o.The Director of School Education,
DPI Complex, College Road, Chennai-600 006.

4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Kanyakumari District, Kanyakumari.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned order passed by the 1st Respondent in G.O.(Ms).No.194 School Education (Pa Ka 7-1) Department dated 12.09.2018 and quash the cut of date fixed in Para-5 of the above Government Order and consequently Direct the Respondents to calculate the 50% of service rendered by the Petitioners as Part-time Vocational Instructor drawing consolidated pay along with regular service for arriving net qualifying service for calculation of pension and to grant all monetary and other attendant benefits and arrears within a stipulated time may be fixed by this Court.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.M.Saravanakumar
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

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O R D E R

The order impugned, dated 12.09.2018, passed by the 1st respondent is under challenge in the present writ petition.

2.The grievance of the writ petitioners is that their entitlement to reckon 50% of the temporary services for calculating the pension has not been considered.

3.The issue regarding Rule 11(4) of the Tamil Nadu Pension Rules for counting of 50% of the temporary services is no more *res integra*. In this regard, the Hon'ble Full Bench of this Court delivered a judgment in ***Government of Tamil Nadu and Others vs. R.Kaliyamoorthy [2019 (6) CTC 705]***. Thus, this Court is of the opinion that the eligibility of the employees is to be considered in accordance with the judgment of the Hon'ble Full Bench cited supra.

4.Whether the petitioners are eligible for counting of 50% of the temporary services for reckoning the period of qualifying service is to be verified with reference to their service records. No doubt, certain conditions are to be fulfilled for the purpose of grant of 50% of the service benefits in accordance with the judgment of the Hon'ble Full Bench. Thus, the respondents are bound to consider the case of the writ petitioners and they are directed to consider the case of the writ petitioners in the light of the Judgment of the Hon'ble Full Bench of this Court cited supra and accordingly, take a decision by verifying the service records of the writ petitioner and pass appropriate orders as expeditiously as possible.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

abr



To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

3.The Joint Director of School Education (Vocational),
O/o.The Director of School Education,
DPI Complex, College Road, Chennai-600 006.

4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Kanyakumari District, Kanyakumari.

+8 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-10916[F]
dated 09/03/2022)

+1 CC to M/s.SPL GP (SR-11221[F] dated 10/03/2022)

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