



W.P.(MD)No.14408 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14408 of 2022

B.Lalithambika

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai.
2. The Principal Secretary to the Government,
Social Welfare and Nutritious Meal Programme,
Fort St.George,
Chennai.
3. The Principal Accountant General
(Accounts and Entitlements),
Tamil Nadu,
No.361, Anna Salai,
Chennai - 600 018.



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4. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 600 006.

5. The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

6. The Head Master,
Government Higher Secondary School,
Arumanai,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to sanction and disburse the pensionary benefits taking into the account of the petitioner's 50% of service rendered in Noon Meal Scheme along with the service rendered by the petitioner as B.T.Assistant and to pay the pension and other benefits by considering the petitioner's representation dated 23.05.2022 within a time frame.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.S.Shaji Bino
Spl. Govt. Pleader for R1,R2,R4-R6



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ORDER

The relief sought for in the present Writ Petition is to direct the respondents to sanction and disburse the pensionary benefits taking into the account the petitioner's 50% of service rendered in Noon Meal Scheme along with the service rendered by the petitioner as B.T.Assistant and pay the pension and other benefits, based on the representation, dated 23.05.2022 submitted by her.

2. The learned counsel for the petitioner submitted that the petitioner joined as Noon Meal Organizer on 14.06.1993 and she served in that post till 2007. On 02.03.2007, she joined as B.T.Assistant (Tamil) in the Government School after being selected through recruitment process conducted by the Director of Teachers Recruitment Board. Thereafter, she retired from the post on attaining the age of superannuation on 30.04.2018.

3. It is further submitted by the learned counsel for the petitioner that as per G.O.Ms.No.6, Social Welfare and Nutritious Meal Department,



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dated 06.01.2010, she is entitled for taking into consideration 50% as her service rendered as Noon Meal Organizer for the purpose of pensionary benefits. In this regard, she submitted a representation to the respondents on 23.05.2022. However, no order is passed on her representation. Hence, this Writ Petition.

4. Mr.S.Shaji Bino, learned Special Government Pleader takes notice for the respondents 1, 2, 4, 5 and 6 and submitted that the said Government Order is not applicable to the petitioner for the reason that as per the Government Order, the person working in Noon Meal Organizer should have been promoted from that post to Teaching Supervisors and Health Workers. But, the case of the petitioner is that she was relieved from the post of Noon Meal Organizer and she got selected through Teachers Recruitment Board. Therefore, the Government Order is not applicable to the petitioner.



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5. However, considering the claim that the petitioner is entitled for taking into account 50% of her service rendered as Noon Meal Organizer and that she submitted the representation in this regard on 23.05.2022, this Court directs the respondents to consider the representation of the petitioner, dated 23.05.2022 and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

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

06.07.2022

Index : Yes / No

Speaking Order : Yes / No

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G.CHANDRASEKHARAN, J.

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