



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.27350 of 2019

R.Renguthai

... Petitioner

-vs-

- 1.The State of Tamil Nadu,
Rep., by its Secretary,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Principal Accountant General
(Accounts and Entitlement),
No.361, Anna Salai, Chennai-600 018.
- 3.The Joint Director (Vocational) of
School Education,
College Road, Chennai-600 006.
- 4.The Chief Educational Officer,
Theni District,
Theni Collectorate, Theni-625 531.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the record pertaining to the impugned order passed by the 2nd respondent in Ref.Pen17/1/pt.7663/120-61014 dated 16.10.2018, quash the same as illegal, in so far denying to count 50% of part time service and consequently direct the respondents to count 50% of the Part Time service rendered by the petitioner along with the regular service and to sanction full pension amount to her with effect from 01.07.2006 along with arrears.

For Petitioner :	Mr.A.Rahul
For RR1, 3 & 4 :	Mr.V.Om.Prakash, Government Advocate
For R2 :	Mr.P.Gunasekar

O R D E R

The order impugned dated 16.10.2018 rejecting the claim of the petitioner for counting of 50% of the Part Time services for reckoning the period of qualifying service and for settlement of benefits is under challenge in the present writ petition.

2.The petitioner was appointed as Part Time Vocational Instructor (Tailoring) in Panchayat Union Middle School, T.Rajagopalanpatti, Theni District on 28.11.1967. Thereafter, her services were regularised as Full Time Teacher with effect from



11.09.1995. It is admitted that the petitioner is getting pensionary benefits with effect from the date of her regular appointment, i.e., 11.09.1995.

3.The learned counsel for the petitioner made a submission that in respect of the part time services, 50% of the services are to be taken into consideration for the purpose of reckoning the period of qualifying service so as to get terminal and pensionary benefits. However, the claim of the petitioner in this regard was rejected.

4.The learned Government Advocate appearing on behalf of respondents 1, 3 and 4 and also the learned counsel appearing on behalf of the Principal Accountant General reiterated that the issues regarding counting of 50% of the services is no more *res integra* and are already settled. Rule 11(4) of the Tamil Nadu Pension Rules unambiguously stipulates that only the full time services rendered on temporary basis are to be taken into consideration for the purpose of counting of 50% of the services. The rule is upheld by the judgment of the Hon'ble Full Bench of this Court and based on the rule, the benefits are extended to the eligible persons, who all are falling within the ambit of Rule 11 of the Tamil Nadu Pension Rules.

5.In the present case, the petitioner herself admitted that she was appointed as Part Time Vocational Instructor (Tailoring). Furthermore, the petitioner filed this writ petition belatedly at the age of 73 years. The petitioner was retired from service long back and during the relevant point of time, she has not redressed her grievances. Contrarily, she has filed the writ petition at the age of 73 years, which is an afterthought idea and such ideas of the employees, for the purpose of getting service rights, cannot be encourage by the Courts.

6.Every Government servant is supposed to redress his/her grievances within a reasonable period of time. This being the factum, this Court is of the considered opinion that the petitioner is not entitled for the relief, as her claim is not falling within the ambit of provisions of Tamil Nadu Pension Rules.

7.Accordingly, this Writ Petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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

2.The Principal Accountant General
(Accounts and Entitlement),
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4.The Chief Educational Officer,
Theni District, Theni Collectorate,
Theni-625 531.

+1 CC to M/s.A.K.THANGAVELU, Advocate (SR-6896[F] dated
17/02/2022)

+1 CC to M/s.SPL GP (SR-6527[F] dated 16/02/2022)

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