



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM

THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.2921 of 2019

- 1.M. Panneerselvam
- 2.C. Elango
- 3.P. Sivakumar
- 4.S. Gandhimathi
- 5.V. Andal

.. Petitioners

Vs.

- 1.The Secretary to Government
School Education Department,
Fort St. George,
Chennai – 600 009.
- 2.The Joint Director of School
Education (Vocational Education)
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer
Coimbatore District,
Coimbatore.

.. Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the



records of the first respondent pertaining to G.O.Ms.No.194 School Education (Pa.Ka.7-1) Department dated 12.09.2018 and quash the same insofar as it fixes the cut-off date as 06.04.2018 and consequently direct the respondents to count 50% of petitioner's part-time service from the date of initial appointment as shown in the annexure to this petition along with regular service of Vocational Teacher as qualifying service for the purpose of calculating the pensionary benefits.

For Petitioner .. Mr. S. Kamadevan

For Respondents .. Mr. S. Ravikumar, SGP.

ORDER

This writ petition has been filed in the nature of Certiorarified Mandamus, seeking records of the 1st respondent, the Secretary to Government, School Education Department in G.O.Ms.No.194, School Education (Pa.Ka.7-1) Department dated 12.09.2018 and to quash the same by that particular Government order, the cut-off date as 06.04.2018 and consequently, direct the respondents to take into consideration of 50% of the service rendered by Vocational Instructors from the date of their initial appointment till their date of regularization.



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2.Mr. Kamadevan, learned counsel for the petitioners, even before examining the facts of the case, had brought to the notice of this Court, the order of a learned Single Judge of this Court in a batch of writ petitions in W.P.MD.Nos.22785 of 2019 batch dated 05.11.2019, wherein, the learned Single Judge had set aside that particular cut-off date and had directed the representation of the writ petitioners therein for counting 50% of the service rendered by them as part-time Vocational Instructors. The petitioners herein had originally joined as Vocational Instructors. The details are given below:

<i>Sl. No</i>	<i>Name of Vocational Teacher, Subject and place of present working school</i>	<i>Date of initial appointment</i>	<i>Date of regularization</i>
1.	M. Panneerselvam (Computer Science), Corporation Co-Ed Higher Secondary School Arokiyasamy Road, R.S.Puram, Coimbatore – 641 002.	01.04.1988	16.10.1992
2.	C. Elango (Computer Science), Sri Ramakrishna Mission Vidyalaya Swamy Sivananda Higher Secondary School, SRK Vidyalaya & Post, Coimbatore – 20.	01.07.1987	05.10.1996
3.	P. Sivakumar (Computer Science), Government Higher Secondary School Negamam & post, Coimbatore – 642 120.	01.04.1988	16.10.1992
4.	Tmt.S.Gandhimathi (Computer Service), Government Higher Secondary School, Kinathukadavu, Coimbatore – 642 109.	17.06.1987	16.10.1992
5.	Tmt.V. Andal (Computer Science) VCV Government Higher Secondary School, Vellakinaru, Coimbatore – 641 029	01.04.1988	05.10.1996



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3.They had been brought into regular service on the dates mentioned above. The request was for consideration of 50% of the service rendered by them as Vocational Instructors from the date of their initial employment till the date of their regularization.

4.In this connection, the learned counsel for the petitioners had brought to the notice of this Court G.O.Ms.No.127 School Education Pa.Ka.7(1) dated 12.07.2023, wherein, it had been ordered that irrespective of any pre-condition, those who had served as Vocational Instructor as part-time would get the benefit of 50% of their service rendered from the date of their appointment till the date of their regularization to be counted for pension. This has brought about equality among all those who had served as Vocational Instructors, and whether they had approached the Court or not, this particular Government order is applicable to the writ petitions which are pending in the Court.

5.This would evidently mean that the petitioners herein would be entitled for necessary relief.



6.The learned Special Government Pleader also pointed out that necessary communication had also been issued by the respondents herein for necessary relief in this regard.

7.The respondents may also once again address the office of Accountant General, Government of Tamilnadu seeking revision of pension for the petitioners herein by taking into consideration, the 50% of service the petitioners had rendered from the date of initial appointment till the date of regularization. The petitioner may give fresh representation and also enclose a copy of the Government order and also their service details and also the copy of this order and within a period of sixteen weeks from the date of fresh representation given by the petitioners, the respondents are directed to pass necessary proceedings by granting revised pension.

8.With the above observations, this Writ Petition stands allowed. No costs.

31.08.2023

Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No
Speaking order: Yes/No
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To

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C.V.KARTHIKEYAN,J.

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