



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.No.1952 of 2018
and C.M.P.No.15569 of 2018

- 1 The Principal Secretary
Department Of School Education
Fort St.George Chennai
- 2 The Principal Secretary
Social Welfare And Nutritious Meal Programme
Fort St. George Chennai
- 3 The Director Of School
Education College Road Nungambakkam
Chennai 6
- 4 The Chief Educational Officer
C.E.O. Office, Erode
- 5 The Head Master
Government Higher Secondary School
Vijayamangalam, Perundurai, Erode District
- 6 The Head Master
Government Higher Secondary School
Thuduppathi, Perundurai, Erode District.

.... Appellants

Vs

- 1 P.R.Subramanian
- 2 The Block Development Officer
B.D.O.Office, Perundurai
Erode District.



3 The Principal Accountant
General (accounts And Entitlements) Of
Tamilnadu No.361 Anna Salai Chennai 18.

.... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 04.10.2013 in W.P.No.27407/2013.

For Appellants : Mr.N.Murali
Government Advocate
For Respondents : Mr.K.Arun Babu – for R2
No appearance – for RR 1 and 3

J U D G M E N T

(Judgment of the Court was delivered by R. SURESH KUMAR, J.)

This appeal has been directed against the order passed by the learned Judge in the Writ Court dated 04.10.2013 made in W.P.No.27407 of 2013.

2. The writ petitioner / first respondent herein was initially working as Noon Meal Organizer for nearly twenty years and thereafter he was selected and appointed as Teacher. He joined in service in the year 2006 and thereafter on attaining superannuation, retired from service on 31.05.2014. The period of service rendered by the first respondent between 2006 and 2014 is not enough for consideration for payment of pension. However, those who were working as Noon Meal Organizer and subsequently appointed in regular stream in any post like Teacher, 50% of the past



service rendered by such persons as Noon Meal Organizer can be taken into account for the purpose of calculating minimum pension. Only in that context, the first respondent / writ petitioner sent a representation to the appellant Department and the said representation since was not considered, he approached the writ Court.

3. The learned Judge, who heard the writ petition, after having considered the factual matrix, has given a direction to the appellant Department to consider the said representation of the petitioner in accordance with law by taking into account the afore said factual matrix and pass orders within a time frame. Aggrieved over the same, the present writ appeal has been filed.

4. Heard Mr.N.Murali, learned counsel for the appellant Department and Mr.K.Arun Babu learned counsel for the 2nd respondent.

5. Since there has been a direction given by the learned Judge in the order impugned to consider the request of the first respondent teacher and to decide the same within a time frame on merits, against which no grievance can be espoused by the appellant Department, we feel that no interference is called for in the said order, which is impugned herein dated 04.10.2023 made in W.P.No.27407 of 2013.

6. With the result, this writ appeal fails and consequently, there shall be a direction to the appellant to pass orders as directed by the learned Judge in the order



impugned, within a period of eight weeks from the date of receipt of a copy of this judgment. The writ appeal is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

(R.S.K.,J.) (V.L.N.J.,)
05.07.2023

Index : Yes/No
Neutral Citation / Yes/No
KST

To

- 1 The Block Development Officer
B.D.O.Office, Perundurai
Erode District.
- 2 The Principal Accountant
General (accounts And Entitlements) Of
Tamilnadu No.361 Anna Salai Chennai 18.



R.SURESH KUMAR, J.
AND
V.LAKSHMINARAYANAN, J.

KST

W.A.No.1952 of 2018

05.07.2023