



W.P.No.14194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.14194 of 2023

1.M.Dhanabagyam

2.P.Periyasamy

3.M.Venkataraman

4.N.Raveenthira Nathan

5.N.Srinivasan

6.S.Mohan

7.J.Vasudevan

...Petitioners

Vs

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

2.The Commissioner of School Education,
College Road, Chennai - 600 006.

3.The Joint Director of School
Education (Vocational),
College Road, Chennai - 600 006.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to count 50% of service rendered by petitioners in the post of single and double part time Vocational Instructor as qualifying service along with regular service rendered in the post of Vocational Instructor till the date of retirement for the purpose of pensionary benefits and issue a consequential direction to the respondents to forward the revised pension proposal for sanction to the Accountant General and to grant arrears of pensionary benefits and pension.

For Petitioners : Mr.R.Saseetharan

For Respondents : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. All the petitioners herein are retired Vocational Instructors. Their services were regularized prior to 01.04.2003 when the New Pension Scheme was introduced. They now seek for counting of 50% of their services rendered in the post of single and double part time



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Vocational Instructors as qualifying service, along with the regular services rendered in the post of Vocational Instructors.

3. The issue with regard to the entitlement to have their past services in the post of single and double part time Vocational Instructors was already dealt with by an Hon'ble Division Bench of this Court in the case of ***M.Velliyangiri Vs. The Government of Tamil Nadu, School Education Department and others*** passed in ***W.A.No.2133 of 2019, etc. batch, dated 03.03.2023***, wherein this Court had held that such 50% of the past services can be counted for the purpose of calculating the pensionable services. The relevant portion of the Judgment reads as follows:-

"11. Therefore, the respondents cannot deny the lawful right of the appellants/petitioners herein by virtue of G.O.Ms.No.194 dated 12.09.2018 for the reason that the cut-off date in the said G.O. has been quashed in the above mentioned writ petitions. Therefore, the objections raised by the respondent/officials are liable to be rejected, accordingly they are rejected. The



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appellants/petitioners are entitled to, for calculating 50% of the past services, rendered by each of the petitioner in the respective employment before they got absorbed by bringing them under the time scale of pay irrespective of the years of service, for the purpose of pensionary benefits. Accordingly, this point is answered.

12.In the result, these writ appeals are allowed subject to the above observations, setting aside the orders in all the writ petitions mentioned above. Consequently, connected writ petitions are allowed. The respective respondents in each of the writ appeals/writ petitions are hereby directed, after fixing the revised pension by taking into account the past 50% services, the revised pension arrears shall be calculated and to be disbursed to the appellants/petitioners within a period of twelve weeks from the date of receipt of a copy of this order. No costs."

The aforesaid extract is self explanatory. Thus, the petitioners herein would be entitled for a similar benefit also.



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4. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioners' claim and pass appropriate orders, by counting 50% of services rendered by them in the post of single and double part time Vocational Instructors as qualifying service, along with the regular service rendered in the post of Vocational Instructor, till the date of their retirement, within a period of four weeks from the date of receipt of a copy of this order. The respondents 1 and 2, thereafter, shall forward the proposal for revision of the pensionary benefits to the Accountant General, within a period of two weeks from the date of passing of the aforesaid order.

5. With the above direction, the Writ Petition stands allowed. No costs.

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Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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To

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