



WP.No.21960/2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.21960/2017 & WMP.No.23014/2017

1.D.Perumal
2.S.Vijayan
3.G.Tharani

... Petitioners

Versus

1.The State of Tamil Nadu
rep.by its Secretary to Government
Finance Department, Fort St George
chennai 600 009.

2.The State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Fort St George, Chennai 600 009.

3.The Director of School Education,
DPI Compound, College Road
Chennai 600006.

4.The Joint Director [Vocational]
Directorate of School Education
DPI Compound, College Road
Chennai 600 006.

... Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the letter of the 2nd respondent having Ref.No.16280/VE/2011-4 dated 14.06.2012 rejecting the request of the 3rd respondent to take the services rendered by part time vocational instructors for the purpose of Pension and quash the same and consequently direct the 4th respondent to send the proposal for computing the 50% service rendered by the petitioners as part time vocational instructors drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43[2] of the Tamil Nadu Pension Rules to the 1st and 2nd respondents to enable the 1st respondent to sanction the pension to the petitioners based on the said proposal from the date of retirement of the petitioners and to enable the concerned authorities to disburse the pension to the petitioners.

For Petitioners : M/s.C.Uma
For Respondents : Mr.U.Baranidharan, AGP

ORDER

- (1) There are three writ petitioners who have a similar cause and they consequentially filed a single writ petition.
- (2) The petitioners herein had been appointed as Part Time Vocational Instructors in the School Education Department, State of Tamil Nadu, on 10.12.1979, 01.08.1984 and 13.07.1983 respectively. Their dates of retirement on attaining the age of superannuation were 31.05.2004,



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31.05.2017 and 31.05.2017 respectively. It had been stated that at the time when the Vocational Instructors had sent representations seeking regularisation of their services and to fix the time scale of pay, the petitioners were paid time scale of pay with effect from 01.04.1990. Thereafter, there were various Government Orders passed in G.O.Ms.No.712, dated 28.05.1990 and G.O.MsNo.967, dated 16.10.1992. Both the Government Orders were questioned before the Tamil Nadu Administrative Tribunal and the Tribunal had set aside both the Government Orders by an order dated 18.06.1993. Thereafter, a further Government Order in G.O.Ms.No.834 dated 23.09.1994 was passed to regularise the Part Time Vocational Teachers. Further Government Order was also passed in G.O.Ms.No.68, dated 20.03.2017.

- (3) But however, the learned Special Government Pleader had forwarded a copy of G.O.Ms.No.127 dated 12.07.2023, wherein, after referring to all the aforementioned Government Orders, the Government has taken a policy decision to take into consideration, 50% of the number



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of years of service they had served as Part Time Vocational Teachers while calculating their pensionary benefits. It had been stated that this Government Order would also apply to the petitioners herein. In the said Government Order, there is also a reference to an order passed in WA.No.158/2016 dated 03.12.2019.

- (4) Let me not enter into any further discussion, but issue a direction to the respondents to apply the benefit which had accrued to the petitioners herein consequent to G.O.Ms.No.127, School Education Department, dated 12.07.2023. Necessary proceedings may be issued within a period of twelve weeks from the date of receipt of a copy of this order.
- (5) The writ petition stands **disposed of in view of directing the respondents to apply the aforementioned Government Order.** No costs. Consequently, connected miscellaneous petition is closed.

08.08.2023

AP
Internet : Yes



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