



W.P.(MD)Nos.5362 of 2020 etc., batch

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.(MD)Nos.5362, 5363, 5366, 5367, 5369, 5370, 5371, 5373, 5375,
5376, 5379 and 5380 of 2020**

W.P.(MD)No.5362 of 2020

V.Chokkar

Vs.

... Petitioner

1.The State of Tamil Nadu
represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai 9.

2.The Director of School Education,
D.P.I.Campus,
College Road,
Chennai.

3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents herein to take 50% of service rendered by the petitioner as part time Vocational Instructors drawing consolidated pay between 20.09.1996 to 09.06.2002 along with regular service from 10.06.2002 for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43(2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering the petitioner's representation dated 12.02.2020, within the time limit fixed by this Court.

For Petitioner : Mr.S.Manikandan
For Respondents : Mr.S.Saji Bino
Special Government Pleader

COMMON ORDER

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.



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2. These writ petitions have been filed for issuance of a writ of Mandamus, directing the respondents to take 50% of the service rendered by the petitioners as Part Time Vocational Instructors for the purpose of pension and other retirement benefits, by considering their representations.

3. The case of the petitioners is that they were initially appointed as Part Time Vocational Instructors in various Schools and their services were regularised. As per the judgment laid down by this Court in W.P.No. 39177 of 2022, dated 16.04.2009, 50% of the service rendered as Part Time Vocational Instructors could be considered for the purpose of calculating the pension and other retirement benefits. In order to avail the said benefit, the petitioners have made several representations to the respondents and the same were not considered till date. Hence, the present writ petitions have been filed.

4. The learned counsel appearing for the petitioners would submit that this Court may issue a direction to the third respondent to consider the



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petitioners' representations dated 12.02.2020, 01.11.2019 and 06.10.2019 respectively and pass appropriate orders within a reasonable time as fixed by this Court.

5. Heard the learned counsel for the petitioners and the learned Special Government Pleader appearing for the respondents.

6. Considering the above said submission, this Court directs the third respondent to consider the petitioners' representations dated 12.02.2020, 01.11.2019 and 06.10.2019 respectively and pass appropriate orders, on merits and in accordance with law, within period of twelve weeks from the date of receipt of a copy of this order, in terms of Rule 11(4) of the Tamil Nadu Pension Rules, 1978 and the Full Bench decision of this Court reported in **2019 (6) CTC 705 (The Government of Tamil Nadu vs. R.Kaliyamoorthy)**.



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7. With the above direction, these Writ Petitions are disposed of.

No costs.

10.01.2023

Index : Yes / No

Speaking Order : Yes / No

AKV

To

1.The Secretary to Government,
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M.DHANDAPANI,J.

AKV

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