



W.P.(MD).Nos.1923, 1924 and 1979 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

**DATED : 01.02.2023**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).Nos.1923, 1924 and 1979 of 2019**

**and**

**W.M.P.(MD).Nos.1581, 1582 and 1618 of 2019,**

W.P.(MD).No.1923 of 2019:

1.S.Jayalakshmi

2.D.Juliet

3.K.Kumaresan

4.C.Nagarajan

5.S.Ponraj Pandian

6.S.Porkodi

7.M.Regilin Jeyanthi

8.K.Selvaraj

9.Vergin Willy

10.S.Gnanaraj

... Petitioners



**W.P.(MD).Nos.1923, 1924 and 1979 of 2019**

**Vs.**

**WEB COPY**

- 1.The State of Tamil Nadu,  
Represented by the Principal Secretary to Government,  
School Education Department,  
Fort St.George, Chennai – 600 009.
- 2.The Director of School Education,  
DPI Complex, College Road,  
Chennai – 600 006.
- 3.The Joint Director of School Education (Vocational),  
O/o. the Director of School Education,  
DPI Complex, College Road,  
Chennai – 600 006.
- 4.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Thoothukudi District,  
Thoothukudi.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in G.O.(Ms).No.194 School Education (Pa Ka 7-1) Department dated 12.09.2018 and quash the cut off date fixed in para-5 of the above Government Order and consequently direct the respondents to calculate the 50% of service rendered by the petitioners as Part-time Vocational Instructor drawing consolidated pay along with regular service for arriving net qualifying service for calculation of pension and to grant all monetary and other attendant benefits and arrears within a stipulated time may be fixed by this Court.



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W.P.(MD).Nos.1923, 1924 and 1979 of 2019

For Petitioners : Mr.M.Saravana Kumar

For Respondents : Mr.D.Sadiq Raja,  
Additional Government Pleader.

W.P.(MD).No.1924 of 2019:

1.G.Srinivasan

2.M.Antony Rosemary

3.K.Ayyalingaraja

4.P.Devikarani

5.A.Malliga

6.A.Maniyarasi

7.O.K.Durgabai

8.M.Pandian

9.V.Pattulakshmi

10.R.Rajarajeswari

11.R.Ramasamy

12.S.Shenbaharaman

13.E.Subramanian

14.R.Suriyakala

15.K.Umarani

... Petitioners



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- 4.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Virudhunagar District,  
Virudhunagar.

... Respondents

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For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.D.Sadiq Raja,  
Additional Government Pleader.

W.P.(MD).No.1979 of 2019:

- 1.S.V.Hariharan
- 2.B.Bangaru Rajulu
- 3.R.Chithambaralingom
- 4.J.Francina Mary
- 5.R.Krishnaveni
- 6.R.Maria Inigo
- 7.A.Pappa
- 8.G.Perinba Retna Moni
- 9.P.Pitchaiah
- 10.S.M.P.Rajah
- 11.K.Ramalakshmi
- 12.P.Ramasubramanian
- 13.J.Rana Herbert Singh
- 14.S.Ratnam



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15.M.P.Ravichandran

16.N.Thangavelu

17.V.Udhayakumar

18.A.Vijilal

19.M.Ganesan

20.O.A.Rahim

21.A.Ramalakshmi

22.S.Esakkiammal

... Petitioners

**Vs.**

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4.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Tirunelveli District,  
Tirunelveli.

... Respondents



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**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the first respondent in G.O.(Ms).No.194 School Education (Pa Ka 7-1) Department dated 12.09.2018 and quash the cut off date fixed in para-5 of the above Government Order and consequently direct the respondents to calculate the 50% of service rendered by the petitioners as Part-time Vocational Instructor drawing consolidated pay along with regular service for arriving net qualifying service for calculation of pension and to grant all monetary and other attendant benefits and arrears within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Saravana Kumar

For Respondents : Mr.D.Sadiq Raja,  
Additional Government Pleader.

### **COMMON ORDER**

These Writ Petitions have been filed to quash the G.O.Ms.No.194 School Education (Pa Ka 7-1) Department dated 12.09.2018, as far as the prescription of cutoff date is concerned, consequently direct the respondents to calculate 50% of service rendered by the petitioners as Part Time Vocational Instructors.



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**WEB COP 2.** These Writ Petitions are filed by the Vocational Instructor teachers who were appointed as Vocational Instructor in the Government Higher Secondary School and Government Aided School on consolidated pay. Subsequently, the petitioners service was brought into time scale of pay. Thereafter, based on the qualification, they are awarded Selection Grade and Special Grade and all the petitioners were retired from service on attaining superannuation. The claim of the petitioners is to calculate the consolidated pay service for granting pensionary benefits. The issue of granting pensionary benefits by taking 50% of said service was considered in an earlier round of litigation and this Court vide order dated 06.04.2018 in W.A.(MD)No.882 of 2017 directed the Government to take 50% of the said service and grant pensionary benefits to the Vocational Instructors. However, the judgment states the persons who have approached the Court are entitled to the benefits and the persons who are not before the Court are not entitled to the benefits and also fixed the cutoff date. Following the said judgment, the Government has issued G.O.Ms.No.194 School Education Department dated 12.09.2018, thereby, the Government also fixed the cutoff date. The persons who have applied prior to 2018 are entitled to. Since the petitioner has not filed any Writ Petition, the



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petitioner was declined such benefits. There were similarly placed persons who have not filed any petition before any Court. After passing of G.O.Ms.No.194, they have filed Writ Petitions before this Court. The learned Single Judge of this Court has allowed those Writ Petitions. Aggrieved over, the Government have preferred batch of Writ Appeal before the Hon'ble Division Bench. The Hon'ble Division Bench has confirmed the learned Single Judge order dated 05.07.2022 in W.A.(MD) Nos.654 and 655 of 2022. However, the respondents claim that they have preferred Review Application against the order passed by the Hon'ble Division Bench. Subsequently, several Writ Petitions were also filed. Following the earlier Division Bench order, all the Writ Petitions were allowed. The reasons stated in the Writ Appeal is that all the Vocational Instructors are entitled to, there cannot be any discrimination. Moreover, under Rule 11A of Tamil Nadu Pension Rules of 1978, the consolidated pay service can be taken into account for calculating 50% of the period.

3. Therefore, this Court is inclined to allow the Writ Petitions following the earlier judgments. Hence, the Writ Petitions are allowed. The respondents are directed to calculate 50% of the consolidated pay service in the post of Vocational Instructor and provide pensionary benefits to the petitioners.



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However, the petitioners are not entitled to any arrears but entitled to only the pensionary benefits. Also, the petitioners are not entitled to any interest. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

4. In view of the above, the Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**01.02.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
Nsr



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Thoothukudi.
- 5.The Chief Educational Officer,  
O/o. the Chief Educational Officer,  
Virudhunagar District,  
Virudhunagar.
- 6.The Chief Educational Officer,  
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Tirunelveli.



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**S.SRIMATHY, J.**

Nsr

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