



W.P(MD)No.4042 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4042 of 2017

and W.M.P. (MD) Nos. 3210 of 2017 & 6558 of 2019

P.Maniammal

...Petitioner

Vs.

1. The Secretary to Government,
Department of School Education,
St. George Fort, Secretariat,
Chennai.

2. The Director of Elementary Education,
DPI Complex, Nungambakkam,
Chennai -06.

3. The Principal Accountant General,
Office of the Principal Accountant General,
361, Annasalai, Chennai 18.

4. The District Elementary Education Officer,
Nagercoil, Kanyakumari District.

5. The Assistant Elementary Education Officer,
Nagercoil, Kanyakumari District.

....Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified



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Mandamus calling for the records relating to the impugned order bearing No.P11/3/11117802/ADK dated 03.03.2016 issued by the 3rd respondent and quash the same and consequently direct the respondents to count the service rendered by the petitioner as Secondary Grade teacher in the schools run by the Government Rubber corporation for a period from 03.07.1985 to 02.06.2014 for the purpose of pension and direct the respondents to grant pension to the petitioner.

For Petitioner : Mr.M.Gnanagurunathan

For R1, R2, R4 & R5 : Mr.R.Baskaran
Additional Advocate General
for Mr.V.Nirmal Kumar
Government Advocate

For R3 : Mr.P.Gunasekaran

ORDER

This Writ Petition has been filed against the impugned order bearing No.P11/3/11117802/ADK dated 03.03.2016 issued by the 3rd respondent and for a consequential direction to the respondents to count the service rendered by the petitioner as



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Secondary Grade teacher in the schools run by the Government Rubber Corporation for a period from 03.07.1985 to 02.06.2014 for the purpose of granting pensionary benefits to the petitioner.

2. The case of the petitioner is as follows:

i) The petitioner was appointed as Secondary Grade Teacher on 03.07.1985 in a Government undertaking school, namely, Government Rubber Corporation Ltd. School (in short “Rubber Corporation School”) in Kuttriyar and had been working in the said School till 02.06.2014. Subsequently, pursuant to the decision taken by the Government, four schools run by the Rubber Corporation School had been brought under the direct control of the Government vide G.O.(Ms) No.253 dated 01.10.2009 and the Government again issued a Government Order in G.O.Ms.No.73 dated 03.06.2014 for absorbing all the teachers working in the Rubber Corporation School into Government.



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ii) The petitioner, after his absorption, was transferred to Keeriparai Government Middle School on 03.06.2014 and retired from the said school on 31.05.2015 and the petitioner had put in a total service of 30 years as Secondary Grade Teacher, out of which, he rendered 29 years of service in the Rubber Corporation School. Therefore, according to the petitioner, his previous 29 years of service rendered in the Rubber Corporation School has to be taken into account for the purpose of grant of pension.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General, appearing for the learned Government Advocate for the respondents 1, 2, 4 and 5 and the learned counsel appearing for the 3rd respondent.

4. It is an admitted fact that the petitioner was initially appointed as Secondary Grade Teacher in the Rubber Corporation School against a vacancy on regular pay and worked there for about



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29 years between 03.07.1985 to 02.06.2014. Later on, it was the Government, which had taken a policy decision to bring four schools run by the Rubber Corporation under its direct control with further order to absorb all the teachers into Government. Therefore, the stand of the Government that the period rendered by the petitioner after his absorption, viz., after issuance of the Government Order dated 03.06.2014 for absorption of such teachers, will alone be taken into account for counting the pensionary benefits, cannot be accepted and it has no legs to stand.

5. Hence, finding much force in the contention raised by the learned counsel for the petitioner, this Court is of the opinion that the impugned order is liable to be set aside.

6. Accordingly, this Writ Petition is allowed with the following directions:

i) The impugned order bearing No.P11/3/11117802/ADK dated 03.03.2016 issued by the 3rd respondent is set aside.



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ii) The respondents shall count the services rendered by the petitioner as Secondary Grade teacher in the schools run by the Government Rubber corporation for a period from 03.07.1985 to 02.06.2014 for the purpose of granting pensionary benefits to the petitioner and the benefits accrued therefrom, within a period of four weeks from the date of receipt of a copy of this order.

7. No costs.

8. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
CM



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To,

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BATTU DEVANAND, J.

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