



W.P(MD)No.22605 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22605 of 2023

and

W.M.P(MD)No.18842 of 2023

J.Selvam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Director Elementary Education,
D.P.I.Compound,
College Road,
Chennai-600 061.
- 3.The District Elementary Educational Officer,
O/o. The District Elementary Education,
Devakottai.
- 4.The Block Educational Officer,
O/o. The Block Educational Officer,
Devakottai.
- 5.The Principal Accountant General,
Office of the Account General (A&E) Tamil Nadu,
No.361, Anna Salai,
Teynampet, Chennai-600 018.

... 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 Mandamus, directing the respondents to count 50% of the services rendered by the petitioner as part time vocational Teacher for pensionary benefits and direct the respondents to pay full pension.

For Petitioner : Mr.R.Govindaraj

For R1 - R4 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed seeking a Mandamus directing the respondents to count 50% of the service rendered by the writ petitioner as part time Vocational Teacher for pensionary benefits.

2. According to the writ petitioner, she was appointed as a part time Vocational Teacher on 28.06.1984. She was absorbed as a full time Vocational Teacher with effect from 04.12.1996. The petitioner attained superannuation on 30.04.2014. The petitioner is receiving pension for the services rendered by her as a full time Vocational Teacher from 04.12.1996 onwards.



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3. According to the petitioner, her services rendered as a part time Vocational Teacher from 28.06.1984 till 03.12.1996 should also be taken into consideration and the pension has to be re-fixed and a revised pension could be ordered.

4. The learned counsel appearing for the writ petitioner relied upon G.O.Ms.No.127 School Education [Pa.Ka.7(1)] Department, dated 12.07.2023 wherein similarly placed full time Vocational Teachers were conferred with the benefits of calculating 50% of their services as part time Vocational Teachers. However, under the said Government Order, the name of the petitioner was left out. The petitioner being a similarly placed with other full time Vocational Teachers, is entitled to similar benefits.

5. Per contra, the learned Government Advocate had contended that the petitioner having attained superannuation in the year 2014 and has not approached the Court in time, shall not be entitled to the said benefits.



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6. I have carefully considered the submissions made on either side and perused the materials.

7. A perusal of G.O.Ms.No.127 School Education [Pa.Ka.7(1)] Department, dated 12.07.2023 reveals that for 563 teachers, who had retired as full time Vocational Teachers, benefits have been conferred by calculating 50% of their services as part time Vocational Teacher for the purpose of granting pension. There cannot be any dispute that the petitioner is similarly placed. As far as the prayer for pension is concerned, it is a continuous cause of action and therefore, the plea of delay and laches cannot be put against the writ petitioner.

8. In view of the above said facts, the respondents are directed to calculate 50% of the services of the writ petitioner rendered as a part time Vocational Teacher and thereafter, refix the pension and disburse the revised pension. Since the petitioner has approached the Court belatedly, the petitioner shall not be entitled to receive any interest on the arrears of pension. The petitioner will be entitled to all the monetary



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benefits from 01.09.2023 onwards.

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9. In view of the above said facts, the respondents are directed to count 50% of the part time services rendered by the writ petitioner between 28.06.1984 to 03.12.1996 for pensionary benefits. The revised pension proposal shall be submitted by the school management within a period of six (6) weeks from the date of receipt of a copy of this order. It shall be processed by the official respondents and appropriate orders shall be passed in favour of the writ petitioner within a period of eight (8) weeks thereafter. The consequential monetary benefits shall also be disbursed except the fact that the said arrears will not carry any interest.

10. With the above said observations, this Writ Petition stands allowed to the extent as stated above. No costs. Consequently, connected Miscellaneous Petition is closed.

12.10.2023

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

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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.22605 of 2023

Dated:
12.10.2023