



W.P(MD)No.12390 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.12390 of 2017
and W.M.P.(MD)No.6559 of 2019

S.Philipose

...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



W.P(MD)No.12390 of 2017

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Mandamus calling for the records relating to the impugned order bearing No.P11/1/11120350/ADK dated 12.06.2017 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 13.03.1986 to 25.06.2014 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.P11/1/11120350/ADK dated 12.06.2017 issued by the 3rd respondent and for a consequential direction to the



W.P(MD)No.12390 of 2017

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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 13.03.1986 to 25.06.2014 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 13.03.1986 in a Government undertaking school, namely, Government Rubber Corporation Ltd. School (in short “Rubber Corporation School”) in Mylar and had been working in the Arasu Rubber Corporation Schools upto 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.



W.P(MD)No.12390 of 2017

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ii) The petitioner, after his absorption, was transferred to Koduppaikuzhi Government Primary School and she joined on 26.06.2014 and retired from the said school on 30.06.2017 and the petitioner had put in a total service of 31 years as Secondary Grade Teacher, out of which, he rendered 28 years of service in the Rubber Corporation School. Therefore, according to the petitioner, his previous 28 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



W.P(MD)No.12390 of 2017

School against a vacancy on regular pay and worked there for about 28 years between 13.03.1986 to 25.06.2014. 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. P11/1/11120350/ADK



W.P(MD)No.12390 of 2017

dated 12.06.2017 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 13.03.1986 to 25.06.2014 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 petition is closed.

20.09.2023s

Index : Yes / No
NCC : Yes / No
CM



W.P(MD)No.12390 of 2017

To,

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

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W.P(MD)No.12390 of 2017

BATTU DEVANAND, J.

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W.P.(MD)No.12390 of 2017
and W.M.P. (MD) No. 6559 of 2019

20.09.2023