



WEB COPY

W.P.No.523 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.523 of 2023

P.Balakrishnan

.. Petitioner

Vs.

1.Government of Tamil Nadu Rep.
by its Secretary to Govt. School Education Department,
St. George Fort, Chennai – 600 019.

2.The Joint Director of School Education (Vocational),
College Road, Nungambakkam,
Chennai – 600 006.

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

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.5586/Aa1/2019 dated 22.08.2022 on the file of the 3rd respondent herein, quash the same and consequently direct the respondent to take 50% of the part time service rendered by the petitioner i.e., from 13.07.1979 to 31.03.1990 along with the regular service for the pension benefits within a time limit to be specified by this Court.



WEB COPY

W.P.No.523 of 2023



For petitioner : Mr.P.Ganesan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 22.08.2022 and for a consequential direction to the respondents to take 50% of the part time service rendered by the petitioner from 13.07.1979 to 31.03.1990 along with the regular service for pensionary benefits.

2.The case of the petitioner is that he was appointed as a Single Part Time Vocational Instructor on 13.07.1979 and from 01.06.1984, he was appointed as a Double Part Time Vocational Instructor in the same school. The petitioner was regularized by the proceedings of the 3rd respondent dated 10.07.2007 effective from 01.04.1990 with time scale of pay. The petitioner attained superannuation on 30.06.2015. Thereafter, as per the proceedings of the 4th respondent, the petitioner was appointed in the same post and allowed to retire on 31.05.2016.

3.The grievance of the petitioner is that for the period from 13.07.1979 to 31.03.1990, 50% of the service rendered by the petitioner



should be taken into consideration along with regular service for the pensionary benefits. When such a request was made by the petitioner, the 3rd respondent through proceedings dated 22.08.2022, rejected the claim made by the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The 3rd respondent has filed counter affidavit. Relevant portions in the counter affidavit are extracted hereunder:

“7.It is respectfully submitted that based on the common judgment the Government have issued orders by G.O. Ms. No.194 School Education (Pa.Ka.7-1) Department dated 12.09.2018 specifically stating that the Government issues orders to the effect that. 50% of Part-time service should be taken into account for computing pension and retiral benefits in respect of the persons who have served as Part-time Vocational Instructor in the Government / Government aided Higher Secondary Schools and those who have filed writ petitions before this Hon'ble Court and also before the Madurai Bench of this Hon'ble Court and got orders or pending till 06,04,2018 only.

8. It is further respectfully submitted that knowing all these factors, the Respondent had filed a writ petition before this Hon'ble Court in W.P. No.23844 of 2018 in the month of August 2018 i.e. after the orders passed by this Hon'ble Court as stated supra. The W,P, No.23844 of 2018 was taken up along with a batch of cases and a common order was passed by this Hon'ble Court on 13.02.2020 as follows:



WEB COPY

W.P.No.523 of 2023



"8. Accordingly, all the Writ petitions are disposed of in terms of paragraph 45 of the Full Bench Judgment that has been referred supra, and it shall be made applicable as per the respective categories involved in each of the 3 Writ Petition. If the respondents find that the particulars are fulfilling requirements as contained in the judgment of the Full Bench, consequential benefits shall be granted without driving the petitioners back to the Court for claiming the same. In all the writ petitions, the respective respondents shall take a decision and pass appropriate orders within a period of three months from the date of receipt of copy of this order.

9. All the writ petitions are disposed of with the above direction. Consequently, the connected miscellaneous petitions are closed. There shall be no order as to costs."

It is also submitted that in obedience to the above stated orders of this Hon'ble Court, the 3rd Respondent herein had passed a speaking order rejecting the claim of the Petitioner in proceedings Na.Ka. No.5586 / Aa-1 / 2019, dated 20.08.2022 stating that as the Petitioner had filed the writ petition after 06.04.2018 the request of the Petitioner cannot be complained with. In the meantime, the Petitioner filed a Contempt Petition No.1828 of 2022 to comply the orders of this Hon'ble Court. After a submission made by the Special Government Pleader that the case of the Petitioner was considered and an order was passed in proceedings dated 22.08.2022 of the 3rd Respondent and contempt Petition was closed on 27.10.2022.



WEB COPY

W.P.No.523 of 2023



9. *It is further more respectfully submitted that based on the orders of this Hon'ble Court passed in batch cases, and on the report of the LAO the government issued FURTHER orders in G.o. Ms. No.127 School Education (Pa.Ka.7(1) Department dated 12.07.2023 to the effect that those who have filed cases after 06.04.2018 and got orders of this Hon'ble Court (460 Vocational Instructors) and those who have filed cases after 06.04.2018 and still pending (103 Vocational Instructors) totally 563 Vocational Instructor's 50% of part time service may be computed for the calculation of pension and pensionary benefits. Based on the said Government orders, the 1st Respondent had also issued executive instructions to all the subordinate officers to adhere to the orders of the Government. Accordingly the Headmaster of the school in which the Petitioner served had also been instructed by the 3rd Respondent to send revised pension proposal in respect of the Petitioner if he is eligible for the revision of pension according to the orders of the Government. Thus, the action of the Respondents in this regard is quite in order and sustainable."*

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

6. It is not necessary for this Court to go into the various issues that have been raised in this writ petition in view of the subsequent developments that has taken place and by virtue of the issuance of



G.O.Ms.No.127 dated 12.07.2023. As per this Government Order, 50% of the part time service rendered by the petitioner is entitled to be added for calculation of pension and other pensionary benefits.

7.In the light of the above development, the impugned proceedings of the 3rd respondent dated 22.08.2022 is hereby quashed. There shall be a direction to the 3rd respondent to deal with the request made by the petitioner in the light of G.O.Ms.No.127 dated 12.07.2023 and send the revised pension proposal in respect of the petitioner to the Government within a period of six (6) weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall pass appropriate orders within a period of eight (8) weeks thereafter.

8.In the result, this Writ Petition stands allowed with the above directions. No costs.

09.09.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



WEB COPY

- To
1. Government of Tamil Nadu Rep.
by its Secretary to Govt. School Education Department,
St. George Fort, Chennai – 600 019.
 2. The Joint Director of School Education (Vocational),
College Road, Nungambakkam,
Chennai – 600 006.
 3. The Chief Educational Officer,
Villupuram District, Villupuram.



WEB COPY



W.P.No.523 of 2023

N.ANAND VENKATESH, J.

krk

W.P.No.523 of 2023

09.09.2024