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W.P.No.2474 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.2474 of 2021

S.N.Janardhanan

...

Petitioner

/vs/

1. The Government of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
Chennai – 600 006.
3. The Joint Director – vocational,
Chennai – 600 006.
4. The Chief Educational Officer,
Vellore District.
5. The Headmaster,
Government Girls Higher Secondary School,
Katpadi, Vellore District.

... Respondents



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WEB COPY Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the respondents to take into account 50% of the service rendered by the petitioner from initial appointment till regularization (i.e. 07.10.1985 to 15.10.1992) for the purpose of retirement benefits, including pension.

For Petitioner ... Mr.R.Saravanakumar

For Respondents ... Mr.P.Gurunathan
Additional Govt. Pleader

ORDER

Heard Mr.R.Saravanakumar, the learned Counsel for the petitioner and Mr.P.Gurunathan, the learned Additional Government Pleader for the respondents.

2. The petitioner who was working as Vocational Instructor with the fifth respondent higher secondary school has filed this writ petition seeking a writ of mandamus to direct the respondents to take into account of 50% of the service rendered by the petitioner from initial appointment till regularization



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(i.e. 07.10.1985 to 15.10.1992) for the purpose of retirement benefits,

including pension.

3. Mr.R.Saravanakumar, the learned counsel for the petitioner, submitted that the petitioner's services have been regularized by virtue of the Government Order G.O.Ms.No.967 Education Department dated 16.10.1992; the petitioner got appointed on 07.10.1985 however, regularization has been given to the petitioners and like others only from the date of issuance of the said order and not from the date of their initial appointment; similarly placed persons have already filed various writ petitions and for which final orders have been passed.

4. Since the petitioner has got regularised prior to 01.04.2003, he is entitled to the addition of 50% of his past services while computing the qualifying years of service for the purpose of pension. In fact in the writ appeals filed by similarly placed persons in W.A.No.2907 to 2910 & batch, dated 29.08.2023, it is held as under:

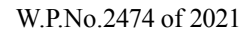


“ 7. The petitioners have also been appointed as part time Vocational Instructors and thereafter, their service have been regularized prior to 01.04.2003. Therefore, they are also entitled for counting 50% of their past service rendered as part time Vocational Instructors for calculating their pension. However, the learned single Judge in the impugned order had directed the case to be considered in accordance with G.O.Ms.No.194, School Education Department, dated 12.09.2018, which direction according to us in view of the subsequent development would not be an appropriate direction.

8. Therefore the respondents are directed to take into consideration the 50% of the service rendered by them from the date of initial appointment till the date of regularization as part time Vocational Instructors that each of the petitioners have put in and recalculate their pension that is paid to the petitioners.

9. The needful shall be undertaken by the respondents within a period of eight(8) weeks from the date of receipt of a copy of this order.

10. We also take judicial notice of the fact that various such claims are pending before this Court for very long time. In such circumstances, it would only be incumbent upon the Government to issue a Government Order, wherever the Vocational Instructors who have been regularised before 01.04.2003 and who prior to their regularisation have been working as part time /temporary basis, then



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R.N.MANJULA ,J.

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