



W.P.No.21012 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2024

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.21012 of 2015

&

M.P.No.1 of 2015

K.Marimuthu

...Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by its Principal Secretary
Department of School Education,
Chennai – 9.

2.The Director of School Education,
Chennai -5.

3.The District Educational Officer,
Tanjore.

4.The Assistant Educational Officer,
Thirupanandham,
Tanjore District.

...Respondents



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Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus to call for the records pertaining to letter No.38549/B2/2012-1 dated 28.11.2012 issued by the 1st respondent, quash the same and direct the respondents to include the apprentice period of 2 years 2 months and 13 days along with the petitioner's service for calculation of terminal benefits.

For Petitioner : Mr. S.S.Raghavan

For Respondents : M/s.Rajarajeswari

ORDER

Challenging the rejection of his request to include the period of 2 years 2 months and 13 days during which the petitioner has worked as an apprentice, he is before this Court.

2. The petitioner would submit that he had worked as a Secondary Grade Teacher from 02.06.1971 to 31.10.2002 in the Kottur



Aided School, Thirupanandha Union. The petitioner has put in 31 years 4 months and 20 days of continuous service. However, while calculating the pension, the 3rd and 4th respondents have excluded the period of 2 years 2 months and 13 days during which he has worked as an apprentice teacher.

3. The petitioner would submit that he had made several representations to the respondents and the 2nd respondent was directed to pass orders on the petitioner's representation dated 20.06.2007 by orders of this Court in W.P.No.9663 of 2008. Thereafter, by order dated 17.06.2009, the 1st respondent had turned down the petitioner's request to include the period.

4. This was challenged by the petitioner in W.P.No.13705 of 2009. By order dated 27.07.2009, this Court had held that the teacher training certificate had been produced before the Court and therefore set aside the order dated 07.06.2009 and directed the 1st respondent to re-consider the petitioner's claim on the basis of the document. Once



again the petitioner's request was turned down by the impugned letter dated 28.11.2012.

5. The respondents have contended that the period of 2 years 2 months and 13 days cannot be taken into consideration as he was apprentice and as per Rule 13 of the Tamil Nadu Pension Rules, a period of apprentice training is not countable for pension purposes.

6. Heard the learned counsels and perused the records.

7. The service register of the petitioner was called for. A perusal of the service register of the petitioner would clearly show that the period from 02.06.1971 to 01.06.1972 he has been treated as an apprentice teacher. Thereafter, he has been treated as temporary teacher and has been absorbed as Higher Grade Teacher from 16.08.1973. Therefore, as per provisions of Rule 13 it is only this one year i.e., from 02.06.1972 to 01.06.1972 when the petitioner was apprentice that he is not entitled to claim pension. However, for the remaining period, namely, 1 year 2 months and 13 days the same has to



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be counted for the purpose of pension.

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8. Therefore, the Writ Petition is partly allowed. The order dated 28.11.2012 is quashed in so far as it relates to the period of 1 year 2 months and 13 days and the respondents shall include the period of 1 year 2 months and 13 days for calculating the terminal benefits. Consequently, the connected miscellaneous petition is closed. No costs.

26.07.2024

Index : Yes/No
Internet : Yes/No
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To

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P.T. ASHA, J,

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