



WEB COPY



W.P.No. 4664 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.4664 of 2024

S.Soundararajan

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Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St.George, Chennai – 09.

2. The Joint Director (Vocational) of
School Education, College Road,
Chennai – 06.

3. The District Educational Officer,
O/o. District Educational Office,
Mayiladuthrai District.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to take the 50% of part time service rendered by the petitioner's wife A.Saroja i.e., from 01.08.1979 to 04.10.1996 along with the regular service for the pension benefits i.e., for the period of 15 years 03 months 27 days based on the judgment passed by the Hon'ble Division Bench in W.A.No.517 of 2020 dated 13.08.2020.



W.P.No. 4664 of 2024

For Petitioner : Mr.V.Selvaraj
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to consider the representation submitted by the petitioner to consider his wife's 50% of part time service for pension benefits.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner's wife was appointed as Vocational Teacher on 01.08.1979 at Thavasumuth Nadar Higher Secondary School, Porayar. Thereafter, her service was regularised on 05.10.1996. Due to the age of attainment of superannuation, she retired from service on 31.07.2003. Thereafter, she died on 10.01.2015. The case of the petitioner is that he is the husband and his wife was appointed as part time Vocational Teacher on 01.08.1979. However, while calculating pensionary benefits for the period of service rendered by his wife, part time service from 01.08.1979 to 04.10.1996 was not considered. Therefore, the petitioner submitted a



W.P.No. 4664 of 2024

representation on 23.01.2024 to consider her part time service for pensionary benefits.

4. Admittedly, the petitioner's wife retired from service on 31.07.2003. While she was alive, she did not make any claim to consider her part time service for her pensionary benefits. After the demise of his wife, that too after a period of nine years, the petitioner submitted a representation on 23.01.2024. Therefore, the request made by the petitioner cannot be considered. Thus, the writ petition is devoid of merits and is liable to be dismissed.

5. Accordingly, this Writ Petition stands dismissed. No costs.

26.02.2024

Interest : Yes/No
Index:Yes/No
Speaking /Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.



W.P.No. 4664 of 2024

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To

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W.P.No.4664 of 2024

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