



WEB COPY



W.P.No.9828 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.9828 of 2024

J.Joyce Helen

.. Petitioner

Versus

1. The Secretary to the Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Accountant General (Pension),
No.361, Anna Salai, Teynampet,
Chennai - 600 018.
3. The Director of School Education,
DPI Complex, Collage Road, Chennai - 600 006.
4. The Joint Director of School Education (Vocational),
DPI Complex, Collage Road, Chennai - 6.
5. The Chief Educational Officer,
Chennai - 8.
6. The Correspondent,
W.P.A Soundarapandian Higher Secondary School,
No.76, N.M.K. Street, Ayanpuram, Madras - 600 023... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Mandamus, directing the 6th respondent to sent



W.P.No.9828 of 2024

the proposal to the 3rd respondent to count the 50% of service rendered by the petitioner from 10.06.1988 to 04.10.1996 (8 years 4 months and 6 days) along with regular pensionable service for the purpose of commutation of pension and other consequential benefits.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader,
for RR-1, 3 to 6

ORDER

This Writ Petition is filed to direct the sixth respondent to send proposal to the third respondent to count 50% of service rendered by the petitioner from 10.06.1988 to 04.10.1996 for commutation of pension along with regular pensionable service.

2. Since the petitioner was regularised on 05.10.1996 itself i.e., prior to the cut-off date as mentioned under Rule 11(4) of the *Tamil Nadu Pension Rules, 1978*, learned Counsel on both the sides are at idem that the matter is squarely covered by the Division Bench judgment of this Court in W.A.Nos.2907 to 2910 of 2019, dated 29.08.2023. The operative portion of the judgment reads thus :-



WEB COPY



W.P.No.9828 of 2024

" 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 in their respect 50% of such service from the date of initial appointment to the date of regularisation shall be reckoned for calculating their pension and their pension shall be re~fixed. This direction is issued considering the fact that such persons even after their superannuation being senior citizens should not be unnecessarily driven to Court. Considering the said circumstances, we direct the Government to issue such order within a period of three (3) months from the date of receipt of a copy of this order."

3. Accordingly, this Writ Petition is allowed by directing the sixth respondent to send a proposal to the third respondent regarding counting of 50% of the service rendered by the petitioner from 10.06.1988 to 04.10.1996 along with regular pensionable service for the purpose of calculation and commutation of pension within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

12.04.2024

Index : yes
Speaking order
Neutral Citation : no
grs



W.P.No.9828 of 2024

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D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.9828 of 2024

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