



W.P.No.10040 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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T.Tulasiraman

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Educational Department,
Fort St. George, Chennai - 9.
 2. The Director of School Education,
DPI Compound, College Road,
Chennai - 6.
 3. The Chief Educational Officer,
Vellore, Vellore District.
 4. The District Educational Officer (Secondary),
Vellore, Vellore District.
 5. The Correspondent,
Islamiah Higher Secondary School,
Pernambut,
Vellore District - 635 810.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
pleased to issue a Writ of Certiorarified Mandamus calling for the entire



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records connected with the impugned order vide O.Mu.No.No.3374/A4/2023, dated 07.03.2024 and quash the same and consequentially direct the respondents to count the service of the petitioner from 01.06.1997 to 01.06.2003 in the 5th respondent School for pensionary and terminal benefits, in the light of the judgment passed in the case of **"The State of Tamil Nadu and Others Vs. Pallivasal Primary School"**, reported in **2004 (2) LW 591** and as per G.O.Ms.No.413, Finance (PGC) Department, dated 4th November, 2010.

For Petitioner : Mr.S.N.Ravichandran

For Respondent : Mr.S.Mythreye Chandru,
Special Government Pleader,
for RR-1 to 4

ORDER

This Writ Petition is filed challenging the order of the third respondent, dated 07.03.2024 and for consequential relief directing the respondents to count the service of the petitioner from 01.06.1997 to 01.06.2003 in the fifth respondent School for pensionary and terminal benefits in the light of the judgment of this Court passed in ***The State of Tamil Nadu and Ors. Vs. Pallivasal Primary School, rep. by its Correspondent, Mudukulathur***¹ and as per G.O.Ms.No.413, Finance (PGC) Department, dated 04.11.2010.

¹ (2004) 2 LW 591



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2. The petitioner joined service as a Secondary Grade Teacher in the fifth respondent aided School with effect from 01.06.1997. As per the relevant rules which were in force at that time, even B.Ed., Degree holders were permitted to be appointed as Secondary Grade Teachers provided that they undergo one month of training in Child Psychology. Thereafter, the petitioner was deputed for Child Psychology training from 02.05.2003 to 31.05.2003 and he completed the training. Now, when the petitioner superannuated from service with effect from 31.10.2023 and when his pension proposals were forwarded, the same are returned by the second respondent on the ground as if the petitioner's appointment itself is only with effect from 02.06.2003 i.e., the date of completion of the training.

3. *Mrs.S.Mythreye Chandru*, learned Special Government Pleader takes notice on behalf of the respondent Nos.1 to 4. When the Court specifically put a question as to whether the said date i.e., 02.06.2023 can be treated as the date of initial appointment of the petitioner, the learned Special Government Pleader is not able to answer in the affirmative. As per the Government Order, even though the candidates are liable to be



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regularised only after the completion of the one month training in Child Psychology, their initial date of appointment is the original appointment date and as such, the petitioner's date of appointment is 01.06.1997. Therefore, when the petitioner was duly appointed to the post, to which, he was eligible for grant in aid and when he is covered under the *Tamil Nadu Pension Rules, 1978*, the respondents are not right in taking into account the date of completion of the one month training in Child Psychology. Even for the said one month training, the petitioner was deputed at the will of the respondents and the petitioner is not at fault for undergoing the training only in the year 2003.

4. For all the foregoing reasons, the impugned order returning the pension proposals is erroneous in law and accordingly, this Writ Petition is disposed of with the following directions :-

(i) The impugned order is declared to be illegal inasmuch as it considers the petitioner's date of regular appointment as 02.06.2023;

(ii) The respondents are directed to consider the date of regular appointment of the petitioner as 01.06.1997 and accordingly, process the



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pension proposal and pass final orders thereon as per G.O.Ms.No.413, Finance (PGC) Department, dated 04.11.2010;

(iii) the exercise shall be completed by the respondents within a period of 12 weeks from the date of receipt of a copy of this order and disburse all his terminal and other benefits due as per the order;

(iv) If the amounts are disbursed within a period of 12 weeks, the petitioner will not be entitled to interest, but, if the amounts are not disbursed within such period, the respondents shall pay the amounts along with interest at the rate of 6% per annum from the date on which the amounts became due till date of disbursement;

(v) There shall be no order as to costs.

10.04.2024

Index : yes
Speaking order
Neutral Citation : yes
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

grs

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