



W.P.No.14988 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14988 of 2022

R.Selvarajan

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. By Secretary to Government,
School Education Department,
Fort St.George, Chennai
- 2.The Director of School Education,
DPI Complex,
College Road,
Chennai
- 3.The Accountant General(Pension & Pay),
Anna Salai,
Chennai
- 4.The Chief Educational Officer,
Salem District

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondent to calculate half of the service rendered on consolidated pay from 10.07.1980 to 12.08.1988 along with regular service for counting qualifying service and grant revised terminal and pension benefits along with arrears as per



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GO.No.41 Finance(Pension) Department dated 09.02.2010 and in the light of order dated 22.12.2021 made in judgment in identical case in WP.No.13313 of 2021.

For Petitioner : M/s.T.Aananthi

For Respondents

For R1,2 & 4: Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction to the respondents to calculate half of the service rendered on consolidated pay from 10.07.1980 to 12.08.1988 along with regular service for counting qualifying service and grant revised terminal and pension benefits along with arrears as per GO.No.41 Finance(Pension) Department dated 09.02.2010 and in the light of order dated 22.12.2021 made in judgment in identical case in WP.No.13313 of 2021.

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

3. The petitioner was appointed as Vocational Instructor on 10.07.1980 and thereafter appointed on regular pay on 12.08.1988. He



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attained the age of superannuation on 31.08.2011 and on extension of service for educating the students till the end of the academic year, he was relieved from service on 31.05.2012. According to the petitioner, while regularized service is taken to count qualifying service for calculating pension, the service rendered in consolidated service has not been taken into account. As such, he approached the respondents on several occasions to count 50% of the service in consolidated pay as per the policy of the Government and also as contemplated under the Tamilnadu Pension Rules. However, the request has not been considered so far.

4. It is seen that similarly situated persons approached this Court in the year 2010. Subsequently, the case reached finality on 06.04.2018 as this Court in the case of ***Government of Tamil Nadu Vs. K.Pachiyappan*** in [W.A.No. 882 of 2016](#) held as follows:

"15.In terms of the above discussions, we dispose of the writ appeals as under:

(i)50% of the services rendered by the respondents herein, as Part Time Vocational Instructor (either as



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Single Part time or Double Part Time Vocational Instructor), shall be counted for the purpose of computing pension and other retiral benefits.

(ii) The above said benefit shall be extended only to the respondents in these writ appeals and for the persons similarly situated like that of the respondents herein, whose cases are pending before this Court. Thus it is made clear that the above said benefit shall not be extended to any other future cases that may be filed on this account, on the ground of delay and laches, since all along they have not come up before this Court and remained as fence-sitters. It is also needless to point out that allowing such cases would amount to opening the pandora's box, touching upon the financial implications of the State.

16. The writ appeals are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed."

5. Therefore, on the ground of delay and laches, the request of the petitioner cannot be considered and this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is



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dismissed. There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

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<https://www.mhc.tn.gov.in/judis>



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