



W.P. No. 15748 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P. No. 15748 of 2018

S.V. Gurusamy

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Coimbatore.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings of the first respondent vide proceeding in Letter No.37717/Ni.Va.3(2)/2015-4, dated 07.06.2016 and quash the same as illegal and consequentially to direct the first respondent herein to take 50% of service rendered by the petitioner as part time vocational instructor, drawing consolidated pay for calculating the qualifying service for the purpose of pension and the quantum of pension under Rule 43 (2) of the Tamil Nadu Pension Rules within the time stipulated by this Court.

For Petitioner : No Appearance

For Respondents : Mrs. P. Kavitha, Government Advocate



ORDER

This Writ Petition has been filed challenging the proceedings in Letter No. 37717/Ni.Va.3(2)/2015-4, dated 07.06.2016 issued by the first respondent and for a consequential direction to the first respondent to take 50% of service rendered by the petitioner as part time vocational instructor, drawing consolidated pay for calculating the qualifying service for the purpose of pension and quantum of pension under Rule 43 (2) of the Tamil Nadu Pension Rules.

2. During the course of hearing today, the learned Government Advocate appearing for the respondents, on instructions submit that the prayer sought by the petitioner in this writ petition had been acceded on the basis of the G.O.No.194, School Education Department dated 06.04.2018 and the second respondent vide proceedings in R.C.No.10776/E4/2018 dated 25.09.2018 and as per the subsequent proceedings of the Head Master, GHSS Asokapuram issued in R.C.No.255/2018 dated 17.10.2018, the 50% of the part time service rendered by the petitioner was taken into account for fixation of pensionary benefits and pensionary benefits also granted.

3. Learned Government Advocate would submit that in view of the proceedings issued by the second respondent on 25.09.2018 and proceedings of the Headmaster dated 17.10.2018 and as already petitioner's pension was fixed,



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considering 50% of the part time service rendered by him, in the present writ petition no further adjudication is required and it has become infructuous.

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4. Considering the submissions of the learned Government Advocate and facts and circumstances of the case, this Court is of the opinion that no further adjudication is required in the present writ petition.

5. Accordingly, this Writ Petition is dismissed as infructuous.

6. There shall be no order as to costs.

28.08.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Chennai – 9.

2.The Chief Educational Officer,
Coimbatore.



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BATTU DEVANAND, J.

AT

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