



W.P.(MD).No.2837 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2837 of 2024

M.Gomathi

... Petitioner

VS

1.The State of Tamilnadu,
Represented 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 Chief Educational Officer,
O/o.The Chief Educational Office,
Thoothukudi.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to take the 50% of the part time service rendered by the petitioner i.e., from 03.06.1982 to 31.03.1990 along with the regulars service for the pension benefits i.e., for the period of 20 years 00 months 28 days based on the judgment passed by the Hon'ble Division Bench in W.A.Nos.347 and 526 of 2020 dated 20.04.2023 and by extending the benefits of the G.O.No.217, School Education (Pa.Ka.7(1) Department) dated 12.07.2023.



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For Petitioner : Mr.R.Saravanan
For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a Vocational Instructor seeking to consider the services rendered by her as a part time Vocational Instructor for the purposes of calculating pensionary benefits.

2. According to the writ petitioner, she was appointed as a part time Vocational Instructor on 03.06.1982 and her services were regularised with effect from 01.04.1990. The petitioner had attained superannuation on 10.03.2020. Thereafter, the petitioner has approached the authorities seeking to reckon 50% of services put up by her as a part time Vocational Instructor. However, the said request has been rejected by the authorities, on the ground that the said benefit is applicable only to the teachers, who have already approached the Court. Challenging the said order, the present writ petition has been filed.



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3. The respondents herein had filed a counter contending that the teacher after having retired in the year 2020 had addressed a communication on 04.08.2023, seeking the said benefits and approached this Court belatedly in the year 2024. Therefore, the writ petition has to be dismissed on the ground of laches.

4. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

5. The fact that the petitioner's services were regularized on 01.04.1990 is not in dispute. The judgment of the Hon'ble Division Bench of this Court in W.A.Nos.347 and 526 of 2020 and batch, dated 20.04.2023 has dismissed the appeal, wherein, the writ Court had directed the authorities to consider the 50% of the services rendered as a single part time/ double part time Vocational instructors for the purposes of calculating pension. However, in paragraph No.10 of the order of the Hon'ble Division Bench of this Court has held that if the concerned teacher had approached the Court belatedly, they will not be entitled for any interest. The judgment of the Hon'ble Full Bench of this Court in **2019 (6) CTC 705 (The Government of Tamil Nadu,**



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Represented by the Secretary to Government, Public Works Department

and two others Vs.R.Kaliyamoorthy) has held that the Government Employee/servant, who has rendered non-provisional service on consolidated pay and whose services were regularized before 01.04.2003, half of the services rendered shall be counted for the purpose of confirming pensionary benefits.

6. In view of the fact that the eligibility of teachers to receive pension is a continuing cause of action, the question of limitation or laches would not arise. The only impediment for the writ petitioner is that she would not receive any interest for the belated disbursement of the arrears of the pensionary benefits.

7. In view of the above said facts, this Writ Petition stands allowed directing the authorities to consider 50% of the services rendered by the petitioner during the period between 03.06.1982 and 31.03.1990, for the purpose of calculation of pension and thereafter, proceed to disburse the pensionary benefits. However, the petitioner would not be entitled to any interest, if the disbursement of pensionary benefits are effected within a



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period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

12.08.2024
(3/3)

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
apd

To

1. The Secretary,
School Education Department,
Fort St.George, Chennai – 09.
2. The Joint Director (Vocational) of
School Education,
College Road, Chennai – 06.
3. The Chief Educational Officer,
O/o. the Chief Educational Office,
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R.VIJAYAKUMAR,J.

apd

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