



W.P.(MD).No.8490 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.8490 of 2021

S.Grace

...Petitioner

Vs.

1.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Block Educational Officer,
Pappakudi, Pappakudi Post,
Tirunelveli District-627 602.

3.The Accountant General,
Tamil Nadu, 361,
Anna Salai, Teynampet,
Chennai-600 018.

... Respondents

(R3 is suo motu impleaded vide Court order dated 23.04.2021)

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider and pass orders on the petitioner's representation dated 19.03.2021 seeking to re-fix petitioner's pension by counting 50% of



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petitioner's part-time Vocational Instructor service between 05.07.1984 to 11.09.1995 and disburse arrears of pension from 01.11.2015 onwards.

For Petitioner : Mr.E.V.N.Siva
For R-1 & R-2 : Mr.M.Sarangan,
Additional Government Pleader
For R-3 : Mr.P.Gunasekaran

ORDER

The present writ petition has been filed seeking direction to the respondents herein to consider and pass orders on the petitioner's representation dated 19.03.2021 seeking to re-fix petitioner's pension by counting 50% of the petitioner's part-time Vocational Instructor service between 05.07.1984 to 11.09.1995 and disburse arrears of pension from 01.11.2015 onwards.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as Part Time Vocational Instructor on 05.07.1984 in Hindu Middle School, Odaikarai Tulukkapatti. Thereafter, she was further appointed as regular Vocational Instructor from 12.09.1995 and her



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services was also regularized from 12.09.1995 onwards on regular time scale of pay. She attained the age of superannuation on 31.10.2015. The Office of the Accountant General computing her service from 12.09.1995 to 31.10.2015 as qualifying service sanctioned pension to her under PPO No.R2512702. Even though she is entitled for counting 50% of Part time Vocational Instructor service between 05.07.1984 to 11.09.1995 as qualifying service towards pension and other retirement benefits as per Tamil Nadu Pension Rules and various orders of this Court, the same was not taken into account for sanctioning pension and other retirement benefits. Hence, the petitioner made a representation dated 19.03.2021 seeking to re-fix her pension by counting 50% of her Part Time Vocational Instructor service between 05.07.1984 to 11.09.1995 and disburse arrears of pension from 01.11.2015 onwards. However, the same was not considered. Hence, the present writ petition came to be filed.

3.The learned counsel appearing for the petitioner, Mr.E.V.N.Siva insisted that the respondents ought to have taken into account 50% of Part Time Vocational Instructor service rendered by the petitioner between 05.07.1984 to



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11.09.1995 as qualifying service towards pension and other retirement benefits and should have sanctioned pension appropriately at the first instance itself. Having not done the same, the petitioner is constrained to file this writ petition and pressed for allowing the writ petition.

4. Heard, the learned Counsels on either sides. Carefully perused the materials available on record.

5. Considering the limited scope of relief sought for by the petitioner, without going into the merits of this case, this Court hereby direct the respondents to consider the petitioner's representation dated 19.03.2021 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.

18.04.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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To

- 1.The Director of Elementary Education,
College Road,
Chennai-06.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur.
- 3.The District Educational Officer,
Office of the District Educational Officer,
Thanjavur.
- 4.The Block Educational Officer,
Thiruvaiyaru, Thanjavur.



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L.VICTORIA GOWRI, J.

Sml

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