



W.P.(MD).No.10331 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.10331 of 2023

and

W.M.P(MD) No.9171 of 2023

S.Iyammal

Vs.

... Petitioner

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.
2. The Director of Elementary Education,
D.P.I. Compound,
College Road,
Chennai – 600 061.
3. The District Elementary Educational Officer,
Office of the District Elementary Education,
Devakottai.
4. The Block Educational Officer,
Office of the Block Educational Office,
Devakottai.



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5. The Principal Accountant General,
Office of the A.G. (A&E) Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to Count 50% of the services rendered by the petitioner as part time vocational Teacher for pensionary benefits and direct the respondents to pay full pension.

For Petitioner : Mr.R.Govindaraj
For R1 to R4 : Mr.T.Amjadkhan
Government Advocate
For R5 : Mr.P.Gunasekaran
Standing Counsel

ORDER

The present Writ Petition has been filed by a Part Time Vocational Teacher, who was later appointed as a Full Time Vocational Teacher seeking a Mandamus to direct the respondents to calculate 50% of her services as Part Time Vocational Teacher for pensionary benefits.



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2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as a Part Time Vocational Teacher on 23.01.1984 and after undergoing training, she was appointed as a Full Time Vocational Teacher on 06.12.1996. The petitioner has attained superannuation on 30.11.2016. The petitioner has put in service of 12 years 7 months and 11 days as Part Time Vocational Teacher and 19 years 11 months and 25 days as Full Time Vocational Teacher.

3. The grievance of the writ petitioner is that 50% of her past services as a Part Time Vocational Teacher has not been taken into consideration for the purpose of fixing the pensionary benefits and for re-fixation of pension.

4. The issue raised by the writ petitioner is no longer *res integra*. A learned Single Judge of this Court in the order passed in W.P(MD) No.4782 of 2023, dated 12.06.2023, has issued a Mandamus directing the respondents to count 50% of the Part Time service rendered by the petitioner for pensionary benefits and also revised the pension. The petitioner is a similarly placed person.



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5. In view of the above said deliberations, the respondents are directed to take into consideration 50% of the services rendered by the petitioner as Part Time Vocational Teacher between 23.01.1984 and 05.12.1996 for pensionary benefits and release the revised pension to the writ petitioner. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

06.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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