



W.P.(MD).No.14898 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14898 of 2024

R.Karoline Vasuki

...Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Department of School Education,
Fort St.George,
Chennai – 600 009.

2.The Accountant General Officer,
Office of the Payment of Pension,
361, Anna Salai,
Thenampettai,
Chennai – 600 018.

3.The Director of Elementary Education,
College Road,
Chennai – 600 006.

4.The District Elementary Educational Officer,
Tirunelveli District.

5.The Block Educational Officer,
Valliyoar, Tirunelveli District.

6.The Correspondent,
St.Joseph's Middle School,
Kizhavaneri,
Tirunelveli District.

... Respondents



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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 calculate the petitioner's pension by taking into account of 50% service rendered by the petitioner from 01.06.1990 to 03.12.1999 as part time service till the petitioner's regularization and disbursed the pensionary benefits along with arrears by considering the petitioner's representation dated 21.02.2024 within a time stipulated by this Court.

For Petitioner	: Mr.M.Laxmi Mahendraa
For R-1, R-3 R-4 and R-5	: Mr.M.Siddharthan Additional Government Pleader
For R-2	: M/s.S.Mahalakshmi Standing Counsel

ORDER

Heard Mr.M.Laxmi Mahendraa, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1, 3, 4 and 5 and M/s.S.Mahalakshmi, learned Standing Counsel for the 2nd respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the respondents to calculate the petitioner half of his service rendered from 01.06.1990 to 03.12.1999 as



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part time Craft Instructor and for adding it along with the qualifying service for the purpose of pension by considering the petitioner's representation dated 21.02.2024.

3. Mr.M.Laxmi Mahendraa, learned counsel for the petitioner submitted that the petitioner was appointed as a part time Craft Instructor in the sixth respondent School on 01.06.1990. The petitioner has been appointed as full time Craft Instructor on 03.12.1999. The petitioner has retired from service on 31.10.2023. The grievance of the petitioner is that even though he rendered his service from 01.06.1990 to 31.10.2023, his service from 03.12.1999 to 31.10.2023 alone has been taken up for calculating qualifying service for according pension.

4. He further submitted that if 50% of the service rendered as part time Craft Instructor is counted along with his regular service, he would get enhanced pension. In this regard, the petitioner had given a representation dated 21.02.2024 to the respondents to count 50% of the service rendered from 01.06.1990 to 03.12.1999. Since no action has been taken so far, the petitioner had filed this Writ Petition.



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5. As per G.O.Ms.No.408 Finance (Pension) Department dated 25.08.2009, the service rendered in non provincialised post, on consolidated pay / honorarium / daily wages on or before 01.04.2003 will be taken into account for computing the qualifying service for the purpose of pension in accordance with Rule 11(4)(iii) of the Tamil Nadu Pension Rules 1978.

6. Since the representation of the petitioner has not been considered so far, the same has to be considered by the respondents.

7. In view of the above, this Writ Petition is **disposed of** with a direction to the respondents to consider the petitioner's representation dated 21.02.2024 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

10.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

WEB COPY

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R.N.MANJULA, J.

Nsr

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