



W.P.(MD)No.21393 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.21393 of 2017

I.Chandrakumar

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by the Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
Thirunelveli,
Thirunelveli District.

4.The District Educational Officer,
Thirunelveli,
Thirunelveli District.

5.The Accountant General,
Anna Salai,
Chennai.

6.The Correspondent,
Schaffter Higher Secondary School,
Thirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for



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issuance of Writ of Certiorarified Mandamus, to call for the records passed by the fifth respondent herein in No.Pension 25/1/Pt6632/52710, dated 04.09.2017 and quash the same and consequently direct the respondents herein to include 50% of the service rendered by the petitioner from 09.11.1978 to 31.03.1990 in the post of part time and double part time Vocational Instructor in the net qualifying service for computing pension.

For Petitioner : Mr.M.Padmavathy

For R-1 to R-4 : Mr.T.Amjad Khan,
Government Advocate

For R-5 : Mr.P.Gunasekaran

For R-6 : No Appearance

ORDER

This Writ Petition has been filed challenging the order dated 04.09.2017 passed by the fifth respondent rejecting the petitioner's request to include 50% of the service rendered by him from 09.11.1978 to 31.03.1990 in the post of part time and double part time Vocational Instructor in the net qualifying service for computing pension on the ground that the request made by the petitioner is not as per the Pension Rules.

2. Both the learned counsel appearing for the petitioner as well as the learned Standing Counsel appearing for the fifth respondent would now submit that the law is well settled by various decisions of this Court including the



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Judgment of the Division Bench dated 26.03.2019 rendered in ***W.A.No.980 of***

2019 in the case of ***the Secretary to Government, State of Tamil Nadu, Finance Department, Secretariat, Fort St.George, Chennai-600 009 and others Vs. M.Nagarasan and others***, wherein, it has been held that the period of service rendered by the Vocational Instructors prior to the date of their regularization on single part time basis shall be taken into account for the purpose of reckoning their qualifying service for eligibility of pension and the said order was also accepted and implemented by the respondents in G.O. (Ms).No.194, School Education (SE7-1) Department, dated 12.09.2018, issued by the Government of Tamil Nadu.

3. Learned counsel appearing for the petitioner would submit that insofar as the petitioner's case is concerned, G.O.(Ms).No.194, School Education (SE7-1) Department, dated 12.09.2018, issued by the Government of Tamil Nadu has not been implemented.

4. In view of the well settled law as referred to supra, the petitioner is entitled for the relief as sought for in this Writ Petition and necessarily, the impugned order dated 04.09.2017, passed by the fifth respondent, has to be quashed and the Writ Petition will have to be allowed.



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5. Accordingly, the impugned order dated 04.09.2017, passed by the fifth respondent, is hereby quashed and the Writ Petition is allowed by directing the third respondent to include 50% of the service rendered by the petitioner as Vocational Instructor from 09.11.1978 to 31.03.1990 in the post of part time basis for the purpose of reckoning their qualifying service for eligibility of pension for the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. After such inclusion of the petitioner's service, the third respondent is directed to forward the proposal to the first respondent within a period of two weeks thereafter and on receipt of the same, the first respondent is directed to forward the said proposal to the fifth respondent and the fifth respondent is directed to pass final orders on such proposal on merits and in accordance with law, within a period of two weeks thereafter. No costs.

17.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

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ABDUL QUDDHOSE, J.

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