



W.P.(MD).No.28548 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28548 of 2024

C.Panneerselvam

... Petitioner

Vs.

1. The State of Tamil Nadu,
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,
Office of the Chief Educational Officer,
Thanjavur District.

... 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 take the 50% of the part time service rendered by the petitioner i.e., from 04.07.1980 along with the regulars service for the pension benefits based on the common judgment passed by the Hon'ble Division Bench in W.A.(MD)



W.P.(MD).No.28548 of 2024

No.347 and 526 of 2020, dated 20.04.2023 and by extending the benefits of the G.O.(Ms) No.127 School Education (Pa.Ka.7(1) Department, dated 12.07.2023.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant writ petition has been filed by a Vocational Teacher seeking a Mandamus to consider the services rendered by him as a Part -Time Vocational Teacher for the purpose of calculating pensionary benefits.

2. According to the petitioner, he was appointed as a Part-Time Vocational Teacher on single Part – Time Teacher on 04.07.1980 and Double Part-Time Vocational Teacher on 15.07.1981. The petitioner's services were regularised on 16.10.1992 and he retired from service on 30.06.2013. Thereafter, the petitioner has approached the authorities seeking to reckon 50% services put up by him as Part – Time Vocational Teacher by way of a representation dated 08.03.2024. Since the said representation has not been considered, the present writ petition has been filed.



W.P.(MD).No.28548 of 2024

WEB COPY

3. The issue is no longer *res integra*. The judgment of the Hon'ble Division Bench of this Court in W.A.No.517 of 2020, dated 13.08.2020 has confirmed the orders passed by the learned Single Judge in W.P(MD) Nos. 15469 to 15476 of 2018, 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 to any payment of interest. The judgment of the Hon'ble Full Bench of this Court in ***2019 (6) CTC 705 (The Government of Tamil Nadu, 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 regularised before 01.04.2003, half of the services rendered shall be counted for the purpose of conferring pensionary benefits.

4. In view of the fact that the eligibility of the petitioner to receive pension being a continuing cause of action, the question of limitation or



W.P.(MD).No.28548 of 2024

WEB COPY

laches would not arise. The only impediment for the writ petitioner is that he would not be entitled to receive any interest for the belated disbursement of the arrears of the pensionary benefits.

5. 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 04.07.1980 and 15.10.1992, 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 period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

29.11.2024

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

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W.P(MD)No.28548 of 2024

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