



WEB COPY



W.A.No.889 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No.889 of 2025

and

C.M.P.No.7532 of 2025

- 1.The State of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
- 2.The Director of School Education,
College Road,
Chennai - 6.
- 3.The Head Master,
Government of Higher Secondary School,
Vadakkalur Post, Kunnam Taluk,
Perambalur District.

... Appellants

Vs.

- 1.P.Dhanavelu
- 2.The Accountant General (A&E),
No.361, Anna Salai,
Chennai - 18.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 16.02.2024 made in W.P.No.3616 of 2024 and allow this Writ Appeal.

For Appellants : Mr.U.M.Ravichandran,
Special Government Pleader

For Respondents : Mr.A.R.Suresh
for Mr.K.Arumugam for R1

Ms.J.Sree Vidhya,
Standing Counsel for R2

J U D G M E N T

(Judgment of the Court was delivered by ***R.SUBRAMANIAN, J.***)

Challenge is to the order of the learned Single Judge made in W.P.No.3616 of 2024 directing the respondents to count 50% of the service of the petitioner rendered as a part time Agricultural Instructor from 25.10.1985 to 07.01.2000 along with regular service for the purpose of pensionary benefit and pay arrears of pension.

2. The petitioner joined the services as a part time Agricultural Instructor



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on 21.10.1985 and he worked as such till 07.01.2000. Thereafter, he was transferred to the Panchayat Union Middle School and worked on consolidated salary till 05.04.2010. He was appointed on regular time scale of pay from 06.04.2010 and retired on attaining the age of superannuation on 31.07.2016.

3. The petitioner claimed that he is entitled to the benefit of G.O.Ms.No.1529, Education Department dated 28.09.1988 and sought for appointment as a Secondary Grade Teacher by exempting him from producing TTC certificate. Since there was no response, the petitioner moved this Court in W.P.No.4812 of 2008. The same was allowed and by G.O.Ms.1529, Education Department, dated 28.09.1988, the petitioner was granted relaxation of TTC qualification and his services were regularized.

4. The petitioner made another representation seeking regularization of service from the date of obtaining minimum general educational qualification. Since that was also not considered, the petitioner moved this Court again in W.P.No.19869 of 2013, which was also allowed, thereby, after a struggle for more than 13 years, the petitioner's services were regularized with effect from 08.01.2000.



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5. However, while calculating the pensionary benefits of the petitioner, his service as part time Agricultural Inspector between 21.10.1985 to 07.01.2000 were not taken into account. Therefore, the petitioner made another representation. Since the same was also not considered, he filed the instant Writ Petition seeking a Mandamus.

6. The writ Court found that the petitioner would be entitled to the benefit of G.O.Ms.No.194, dated 12.09.2018, which was passed pursuant to the judgment of the Division Bench of this Court in W.A.No.882 of 2017. Under the said Government Order all part time vocational teachers whose services were regularized before 01.04.2003 will be entitled to count 50% of the temporary services rendered by them in determination of pension. Relying upon the said Government Order, the writ Court had allowed the Writ Petition. Aggrieved the Government is on appeal.

7. The issue is no longer *res integra*. A Full Bench of this Court in ***Government of Tamil Nadu Vs. R.Kaliyamoorthy*** dated **03.12.2019** made in



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W.A.Nos.158 of 2016 etc., batch, had considered the issue and held that those

persons who were regularized prior to 01.04.2003 would be entitled to count 50% of their services rendered in a temporary post. In view of the judgment of the Full Bench and in view of G.O.Ms.No.194 dated 12.09.2018, we are unable to fault the writ Court for having allowed the Writ Petition.

8. Therefore, the Writ Appeal is **dismissed**. The appellants will have four (4) months time to determine the pension payable as per directions of the learned Single Judge and pay the same to the 1st respondent. No costs. Consequently, the connected miscellaneous petition is closed.

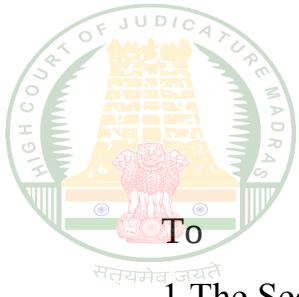
(R.S.M.,J.) (G.A.M.,J.)
28.03.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

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State of Tamil Nadu
School Education Department,
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2. The Director of School Education,
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