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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6517 of 2025
and W.M.P.No.6517 of 2025

R.Ramalingam

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Finance (Pay Cell) Department,
Fort St. George, Chennai – 600 009.

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

3.The Director of School Education,
DPI Compound, College Road,
Chennai – 600 006.

4.The Joint Director (Vocational),
Directorate of School Education,
DPI, Compound, College Road,
Chennai – 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the records



relating to the letter of the 2nd respondent having Letter No.16280/VE/2011-4 dated 14.06.2012 to the 3rd respondent rejecting the request of the 3rd respondent to take the service rendered by part time vocational instructors for the purpose of pension and quash the same and consequently direct the 4th respondents to send the proposal for computing the 50% in service rendered as part time vocational instructors drawing consolidated pay for calculating the qualifying service for pension and the quantum of pension under Rule 43 (2) of the Tamil nadu Pension Rule to the 2nd respondent to enable the 1st respondent to sanction the pension to the petitioner based on the said proposal from the date of the retirement and to enable the concerned authorities to disburse the pension to the petitioner

For Petitioner	.. Mr.R.Murugabharathi
For R1	.. Mr.S.Yashwanth, AGP
For R2 to R4	.. Ms.Mythreye Chandru, SGP

ORDER

This Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to a letter of the 2nd respondent dated 14.06.2012 addressed to the 3rd respondent rejecting the request of the 3rd respondent to take the service rendered as Part-time Vocational Instructor for the purpose of pension and to quash the same. The petitioner seeks a direction that the proposal for computing 50% service rendered as Part-time



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Vocational Instructor drawing consolidated pay for calculating the qualifying service for pension and quantum of pension.

2. In the affidavit filed in support of the writ petition, it had been contended that the writ petitioner was initially appointed as Part-time Vocational Instructor on consolidated pay on 05.01.1987. Thereafter, his services were regularized on and from 16.10.1992. But the petitioner claims that he had discharged duty as double Part-time Vocational Instructor from 01.06.1987 and granted selection grade w.e.f 16.10.2002. The petitioner had retired from service on 30.04.2020. He claims that the service which he had rendered before regularization had not been taken into consideration. The petitioner claims that 50% of that particular service should be considered for the purposes of calculating the length of service he had rendered for pension purposes.

3. This issue is no longer *res integra*. In ***W.P.No.25603 of 2018 and batch, A.Thamizhselvan V. The State of Tamil Nadu, Represented by its Secretary to Government, Chennai - 600 009 and others by order dated 22.06.2023*** this Court had passed the following order:



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12. However, the learned counsel for the petitioners would invite attention of this Court to the recent pronouncement of the Division Bench of this Court in W.A.Nos.2133 of 2019 etc., batch dated 03.03.2023, where, this Court has referred to G.O.Ms.No.194, School Education (SE7-1) Department dated 12.09.2018, fixing the cut-off date, upheld the Government Order being quashed the same in a batch of writ petitions namely W.P.(MD).No.22785 of 2019 etc., batch dated 05.11.2019.

13. The case on hand is no different. The only contention or objection taken by the respondents is relying on the Judgment of the Division Bench of this Court in W.A.Nos.882 of 2017 etc., batch dated 06.04.2018.

14. However, it is seen that subsequently much water has flown. The Government chose to pass G.O.Ms.No.194, School Education (SE7-1) Department dated 12.09.2018, which was also given effect to. However, when the said Government Order was subject matter before the Division Bench of this Court in a batch of writ petitions i.e., in W.A.Nos.2133 of 2019 etc., batch and this Court has quashed the Government Order and therefore, it is no longer open to the respondents to place reliance on G.O.Ms.No.194, School Education (SE7-1) Department dated 12.09.2018 and insist that the concerned employees should fall within the cut-off date namely 06.04.2018.

15. In fact, in W.A.Nos.2133 of 2019 etc., batch, the



Division Bench of this Court held as follows:-

"11. Therefore, the respondents cannot deny the lawful right of the appellants/petitioners herein by virtue of G.O.Ms.No.194 dated 12.09.2018 for the reason that the cut-off date in the said G.O has been quashed in the above mentioned writ petitions. Therefore, the objections raised by the respondent/officials are liable to be rejected, accordingly they are rejected. The appellants/petitioners are entitled to, for calculating 50% of the past services, rendered by each of the petitioner in the respective employment before they got absorbed by bringing them under the time scale of pay irrespective of the years of service, for the purpose of pensionary benefits. Accordingly, this point is answered."

16. In view of the above, there is absolutely no impediment for the petitioners to seek relief in line with the earlier order passed by this Court in W.A.Nos.2133 of 2019 etc., and consequently, the petitioners are entitled to have their services rendered as Part Time Vocational Instructors, being taken into account for the purpose of calculation of pension and while computing the same, 50% of their services rendered as Part Time Vocational Instructors would be factored for arriving at the pension as well as the quantum of pension payable to them under Rule 42 of the Tamil Nadu Pension Rules, 1978.



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17. Accordingly, these Writ Petitions are allowed and the impugned orders are set aside. The respondents shall refix the pension payable to the respective writ petitioners taking into account 50% of their past services and the revised arrears of pension shall be calculated and disbursed to the respective writ petitioners, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. The connected Writ Miscellaneous Petitions are closed.

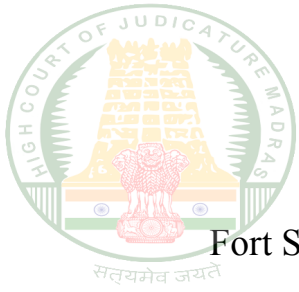
4.The same dictum is also applicable to the petitioner. This Writ Petition stands allowed. Impugned orders are set aside. A direction is given to the respondents to refix the pension payable to the petitioner by taking into account 50% of the past services and revised arrears of pension shall be calculated and disbursed to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

09.04.2025

Index:Yes/No
Internet:Yes/No
smv

To

1.The Secretary to Government,
Finance (Pay Cell) Department,



Fort St. George, Chennai – 600 009.

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2.The Deputy Secretary to Government,
School Education Department,
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C.V.KARTHIKEYAN,J.

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