



WEB COPY

WP No. 32793 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

WP No. 32793 of 2018

S.K.Kala

Petitioner(s)

Vs

1. The State Of Tamil Nadu,
Rep. by its Secretary to Government
School Education Department,
Secretariat, Chennai – 9.

2.The Director of School Education,
DPI Campus, College Road, Chennai

3.The Chief Educational Officer,
Erode and District

Respondent(s)

PRAYER

This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Mandamus to direct the respondents herein to take 50 percent of service rendered by the petitioner as part time vocational instructors drawing consolidated pay between 22/1/1986 to 15/10/1992 along with regular service from 16/10/1992 for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43 (2) of the Tamil Nadu Pension Rules and to sanction pension and other pensionary benefits and also to pay arrears by considering petitioners representation dated 02.10.2018, within the time limit.

For Petitioner(s): M/s.L.Chandrakumar

For Respondent(s): M/s.P.Raja Rajeshwari GA



ORDER

The petitioner has filed this Writ Petition to direct the respondents to count 50% of service rendered by the petitioner as a part-time Vocational Instructors, drawing consolidated pay, between 22/1/1986 to 15/10/1992, along with regular service from 16/10/1992, for calculating the qualifying service, for the purpose of pension and the quantum of pension under Rule 43 (2) of the Tamil Nadu Pension Rules, and to sanction pension and other pensionary benefits and also to pay arrears, by considering petitioner's representation dated 02.10.2018, within a stipulated time.

2. The petitioner (S.K.Kala) joined in service as a part-time Vocational Teacher in Kalaimagal Kalvi Nilayam Girl's Higher Secondary School, Erode District on 22/1/1986 and her service was regularized on 16/10/1992 from part-time Vocational Teacher to full-time scale of pay. The petitioner retired on 30/6/2020 on attaining the age of superannuation. The plea of the petitioner is that 50% of the past service, which she served initially as part-time Vocational Teacher from the date of initial appointment till the date of regularization, be considered for the purpose of pensionary benefits.

3. The facts are not in dispute.



4. The learned counsel appearing for the petitioner would submit that in similar cases, the benefit of 50% of past service as part-time employees was considered. In support of his contention, the learned counsel also relied on the judgment of the Hon'ble Division Bench of this court in ***Selvaraj Vs. The Government of Tamil Nadu and others***, in W.A.Nos.2907 and 2019 and etc., batch dated 29.08.2023 and also in ***The State of Tamil Nadu and others Vs. N.Krishnamoorthi and others*** in W.A(MD).No.1119 of 2024 dated 09.07.2024.

5. In the judgment of the Selvaraj's case cited supra, the Hon'ble Division Bench of this Court held that 50% of the service rendered by the petitioners therein, from the date of initial appointment till the date of regularization as part-time Vocational Instructors, has to be calculated and accordingly, pension has to be paid. The Hon'ble Division Bench of this Court also suggested that appropriate Government orders shall be passed in such cases, since there are several Vocational Instructors, who have joined service and 50% of their services during their part time services were not considered.

6. On the other hand, the learned counsel appearing for respondents relied on judgment of the Division Bench of this Court in ***The Govt of Tamil Nadu Vs. The Chief Educational Officer***, made in W.A.Nos.882 of 2016 and etc batch, dated 06.04.2018, wherein the Hon'ble Division Bench of this Court



fixed a time limit and held that the said benefit cannot be extended to similarly placed persons in future cases.

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7. Though the order dated 06.04.2018 mentions not extending benefit to similarly placed persons, however, subsequently, the Division Bench of this Court in Selvaraj's case cited supra have not only extended benefits but also recommended to Government to pass GO to extend the benefits by considering 50% of their service as part-time Vocational Instructor.

8. Following the judgment of Hon'ble Division Bench of this Court Selvaraj's case cited supra, this Writ Petition is allowed. 50% of the past service of the petitioner as part-time vocational Teacher shall be taken into account for the purposes of calculating the qualifying service, for the purpose of pension and other consequential pensionary benefits and also to pay arrears by considering petitioner's representation dated 02.10.2018, within a period of 12 weeks from the date of receipt of copy of this order. No costs.

K.SURENDER, J.
18-11-2025
(10/10)

Jai/mvs.

Index: Yes/No
Speaking/Non-speaking order



To

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