



W.P.(MD)No.4054 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4054 of 2025

N.Soundra Raj

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort Saint George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Joint Director of School Education (Vocational),
College Road,
Chennai - 600 006.
- 4.The Principal Accountant General,
Office of the Accountant General (A&E) Tamil Nadu,
No.361, Anna Salai,
Teynampet, Chennai – 600 018.
- 5.The Chief Educational Officer,
Kanyakumari District, Nagercoil.
- 6.The Head Master,
Government Higher Secondary School,
Ezhudesapattu,
Kanyakumari District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to count 50% of the service rendered by the petitioner in the post of part time vocational instructor from 21.07.1986 to 04.10.1996 as qualifying service for the purpose of pensionary benefits along with the regular service rendered in the post of vocational instructor from 05.10.1996 to 28.02.2013 and to submit a revised proposal to the fourth respondent for sanction based on the representation of the petitioner, dated 11.09.2024 and consequently directing the respondents to grant pensionary benefits and arrears of pension to the petitioner.

For Petitioner : Mr.P.Sonu

For R1 to R3, R5 : Mr.M.Siddharthan
Additional Government Pleader

For R4 : Mr.P.Gunasekaran
Standing Counsel

ORDER

This Writ Petition has been filed for a Mandamus directing the respondents to count 50% of the service rendered by the petitioner in the post of part time vocational instructor from 21.07.1986 to 04.10.1996 as qualifying service for the purpose of pensionary benefits along with the regular service rendered in the post of vocational instructor from 05.10.1996 to 28.02.2013 and



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to submit a revised proposal to the fourth respondent for sanction based on the representation of the petitioner, dated 11.09.2024 and consequently directing the respondents to grant pensionary benefits and arrears of pension to the petitioner.

2. It is the case of the petitioner that the petitioner was initially appointed as Part Time Vocational Instructor Grade II at Government Higher Secondary School, Kulasekharan on 21.07.1986 and his service was regularised on 05.10.1996. On attaining the age of superannuation, the petitioner retired from service on 28.02.2013. After his retirement, the respondents has chosen to disburse pension only for the period of his regularised service and failed to consider the period of service rendered by the petitioner as Part Time Vocational Instructor Grade II from 21.07.1986 to 04.10.1996. The petitioner filed writ petition in W.P(MD)No.21017 of 2018 before this Court. The said writ petition was disposed of with a direction to the respondents to consider the claim of the petitioner and pass appropriate orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of the order. In compliance of the same, the fifth respondent passed an order on 18.08.2023 and refixed the pension by counting 50% of the service rendered by the petitioner as Part Time Vocational Instructor Grade II and the petitioner was instructed to



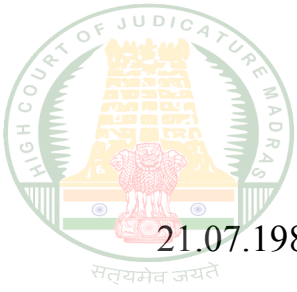
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furnish all the relevant documents to the sixth respondent. The petitioner

WEB.COM furnished all the documents to the sixth respondent, who in turn forwarded the same to the fourth respondent. The fourth respondent returned all the files stating that the petitioner name was not included in the list of 563 beneficiaries in G.O.Ms.No.127, dated 12.07.2023 and the same may be considered only after including the name of the petitioner in the list. The petitioner made a representation on 11.09.2024 to the fifth respondent to include his name in the list and forwarded the same to the fourth respondent. Against the inaction of the fifth respondent, the petitioner filed the present writ petition.

3. After prolonged correspondence, the Government of Tamil Nadu issued G.O.Ms.No.712 dated 28.05.1990 and G.O.Ms.No.834 dated 23.09.1994, G.O.Ms.No.221 dated 15.07.1999 regularising the services of Vocational Instructors.

4. It is the further case of the petitioner that the petitioner rendered service for 26 years, 7 months and 10 days i.e. from 21.07.1986 to 28.02.2013. In the said spell, the period rendered after regularisation comes to 16 years and 4 months 26 days i.e. from 05.10.1996 to 28.02.2013 and the service rendered in consolidated pay comes to 10 years & 2 months & 14 days i.e. from



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21.07.1986 to 04.10.1996. The services rendered in the regular time scale of pay i.e. from 05.10.1996 to 28.02.2013 alone has been taken as qualifying service, the services of 10 years & 2 months & 14 days in consolidated pay for a period from 21.07.1986 to 04.10.1996 has not been taken as qualifying service for pensionary benefits, which is arbitrary and discriminatory.

5. The Division Bench of this Court in W.A.No.1702 of 2010, dated 29.09.2010 held that the Vocational Instructors like the deceased Government Servant are entitled for counting 50% of part time service towards the pensionary benefits. In compliance of the said order, the Government of Tamil Nadu passed G.O.Ms.No.130 dated 18.07.2013 and G.O.Ms.No.134 dated 22.07.2013, which provides for counting of 50% of service in part time vocational instructor post as qualifying service towards the pensionary benefits, along with the regular service. In the said Government Order, it is stated that since the employees covered under above said Government Orders are Part Time Vocational Instructors, one of the condition in G.O.Ms.No.408 dated 25.08.2009 is relaxed i.e., the condition which says that employment should be for whole time. In this case, the relaxation is necessary and he is entitled to count 50% of part time service towards pensionary benefits as qualifying service.



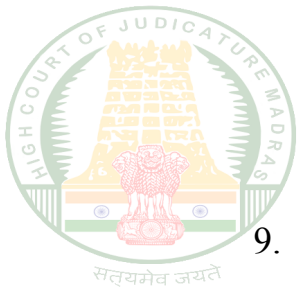
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6. The Division Bench of this Court in W.A.No.359 of 2015 has held that double part time vocational instructor's post is a full time employment and the double part time vocational instructors are entitled to count 50% of service along with the regular service. A Division Bench of Madurai Bench of Madras High Court in W.A.(MD).No.392 of 2017 has held that the single and double part time vocational instructor has to be treated equally and that the post of single part time is a full time employment and the single and double part time vocational instructors are entitled to count 50% of service rendered on consolidated pay along with the regular service for the purpose of pensionary benefits. Hence, the present Writ Petition.

7. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

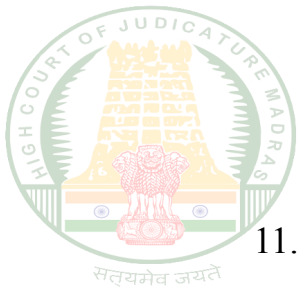
8. Admittedly, the the petitioner was appointed as Part Time Vocational Instructor Grade II on 21.07.1986 and his services were regularised with effect from 05.10.1996. He retired from service on attaining the age of superannuation on 28.02.2013.



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9. The issue involved in this Writ Petition is that as to whether the petitioner is entitled to the benefit of 50% of services rendered as Part Time Vocational Instructor Grade II for the purpose of calculating qualifying service for pensionary benefits or not.

10. In fact, the issue involved in this Writ Petition was already dealt by this Court on several occasions and rendered judgments in favour of the employees and those decisions had attained finality. The Division Bench of this Court by its judgment dated 16.03.2015 in W.A.No.359 of 2015 made a detailed analysis of the relevant Government Orders and arrived at a conclusion that the Double Part Time Vocational Instructors are entitled for 50% of the services rendered by them and the same shall be counted for the purpose of computing pension and other retirement benefits. In respect of Single Part Time Vocational Instructors, a Division Bench of this Court by its judgment dated 21.04.2017 in WA.(MD).No.392 of 2017 held that Single Part Time Vocational Instructors should be treated equally with the double part time teachers and all benefits that were given to the Double Part Time Vocational Instructors should be extended to the Single Part Time Vocational Instructors as well. The said decision has attained finality.



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11. Having taken into consideration of the relevant facts, Government Orders and judgments of this Court, a Division Bench of this Court by its judgment dated 06.04.2018 in WA.Nos.882 of 2017 and batch held that Part Time Vocational Instructors (either Single or Double Part Time Vocational Instructors) are entitled for counting 50% of services rendered by them for the purpose computing pension and other retirement benefits. The said judgment has also attained finality.

12. In the present case also, the petitioner worked as Part Time Vocational Instructor Grade II from 21.07.1986 to 04.10.1996 and thereafter, his services were regularised with effect from 05.10.1996. Therefore, this Court taking into consideration of the orders issued by the Government in favour of the similarly situated persons, wherein 50% of the part time service rendered by them was counted with regular service for the purpose of pensionary benefits and also by following the judgments rendered by several Division Benches on this aspect as stated supra, holds that the respondents have to count 50% of the part time services rendered by the petitioner with the regular service for the purpose of pensionary benefits.



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13. With the aforesaid observations, this Writ Petition is allowed with the following directions:

The respondents are directed to count 50% of the services of the petitioner for a period from 21.07.1986 to 04.10.1996 as Part Time Vocational Instructor Grade II along with regular service from 05.10.1996 to 28.02.2013 as qualifying service and fix pensionary benefits and grant arrears of pension and other pensionary benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

14. No costs.

17.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

1.The Secretary,
Department of School Education,
Fort Saint George,
Chennai – 600 009.



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BATTU DEVANAND, J.

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