



W.P.(MD)No.22705 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.22705 of 2022

J.Ebinesar

: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its 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,
Thenkasi District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner ie., from



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28.06.1967 to 19.06.1983 along with the regular service for the pension benefits ie., for the period of 28 years 1 month 7 days.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Shaji Bino

Special Government Pleader

ORDER

The issue involved in this Writ Petition is whether 50% of the part time services rendered by the petitioner will have to be taken into account for calculating the pension payable to the petitioner.

2.The case of the petitioner is that he was appointed as part time vocational Teacher on 28.06.1967 and he was working as a part time teacher since then upto 19.06.1983. Therefore, 50% of the part time services rendered by him from 28.06.1967 to 19.06.1983, will have to be taken into account for calculating his pension along with his regular service ie., in all put together 28 years 1 month and 7 days. In such circumstances, the petitioner has filed this Writ Petition for Mandamus, seeking for a direction to the respondents to take the 50% of the part time services rendered by the petitioner ie.,



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from 28.06.1967 to 19.06.1983, along with regular services for pension benefits ie., for the period of 28 years 1 month and 7 days.

3.A counter affidavit has been filed by the third respondent. According to them as per Rules 2 and 11 of the Tamil Nadu Pension Rules, 1978, the periods of service paid from contingencies / part time service, cannot be taken as qualifying service for the purpose of calculating the pension. It is also their case that if the prayer sought for by the petitioner is allowed, it will amount to opening a flood gate to those who are similarly placed like that of the petitioner herein.

4.The issue involved in this Writ Petition is no longer *res integra*, in view of the various decisions rendered by this Court which includes Division Bench judgment dated 13.08.2020 passed by this Court in ***W.A.(MD)No.517 of 2020*** in the case of ***State of Tamil Nadu & others Vs. S.Durairaj & another***, which has also been relied upon by the learned Counsel for the petitioner. The law is now well settled that 50% of the services rendered by an employee on part time basis will have to be taken into account for the purpose of calculating pension along with the regular service of the petitioner.



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5.In view of the well settled law, the prayer sought for in this Writ Petition has to be granted in favour of the petitioner. Accordingly, a direction is issued to the first respondent to take into account the 50% of the eligible part time service rendered by the petitioner prior to the date of his regularization along with the regular service for the pensionary benefits and orders passed accordingly, within a period of twelve [12] weeks from the date of receipt of a copy of the order.

6.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

29.10.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To

- 1.The Secretary,
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ABDUL QUDDHOSE., J.

MR

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