



W.P.(MD)No.22163 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.22163 of 2025

A.Rathina

: Petitioner

Vs.

1. The State of Tamilnadu,
Rep by its Principal Secretary,
School Education Department,
Fort St. George, Chennai-09.
2. The Director of Primary Education,
College Road, Chennai -06.
3. The District Educational Officer (Primary),
O/o District Education Office,
Old Collector Office Campus,
Thanjavur- 613 001.
4. The Block Educational Officer,
O/o Block Education Office,
Thiruvaiyaru Post,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of CERTIORARIFIED MANDAMUS calling for the records of the impugned order passed by the 3rd respondent dated 28.07.2025 bearing O.Mu.No. 3012/A4/2025 and quash the same and direct the respondents to take the 50 percent of the part time service rendered by the petitioner i.e. from 15.04.1988 to 04.10.1996 along with



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the regular service for the pension benefits i.e., for the period of 25 years 08 months 21 days based on the common judgment passed by the Hon'ble Division Bench in W.A.(MD)Nos.347 and 526 of 2020 dated 20.04.2023.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Vinodh

Government Advocate

ORDER

This writ petition has been filed challenging the impugned order passed by the third respondent dated 28.07.2025 in O.Mu.No. 3012/A4/2025 with a consequential direction to the respondents to take 50 percent of the part time service rendered by the petitioner i.e. from 15.04.1988 to 04.10.1996, along with the regular service for the pension benefits i.e., for the period of 25 years 08 months 21 days, based on the common judgment passed by the Hon'ble Division Bench in W.A. (MD)Nos.347 and 526 of 2020 dated 20.04.2023.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner was appointed as single part-time Vocational Instructor on 10.04.1997 and her services were regularised with effect from 05.10.1996. She attained superannuation on 31.03.2018. Thereafter, she has approached the authorities seeking to reckon 50% of her services put up by her as single part-time Vocational Instructor. However, the said request has been rejected by the authorities. Challenging the said order, the present Writ Petition has been filed.

4. The learned Government Advocate appearing for the respondents contended that the petitioner having retired in the year 2018 has sent a representation belatedly and thereafter approached this Court and hence the writ petition may be dismissed on the ground of laches.

5. I have carefully considered the submissions made on either side and also perused the material records.

6. The fact that the petitioner's service was regularized on 05.10.1996 is not in dispute. The judgment of the Hon'ble Division Bench of this Court in W.A.No.517 of 2020, dated 13.08.2020 has confirmed the orders passed by the learned Single Judge in W.P.(MD)



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Nos.15469 to 15476 of 2018, wherein, the writ Court had directed the authorities to consider the 50% of the services rendered as a single part time/ double part time Vocational instructors for the purposes of calculating pension. However, in paragraph No. 10 of the order of the Hon'ble Division Bench of this Court has held that if the concerned teacher had approached the Court belatedly they will not be entitled for any interest. The judgment of the Hon'ble Full Bench of this Court in **2019 (6) CTC 705 (The Government of Tamil Nadu, Represented by the Secretary to Government, Public Works Department and two others Vs.R.Kaliyamoorthy)** has held that the Government Employee/servant who has rendered non-provisional service on consolidated pay and whose services were regularized before 01.04.2003, half of the services rendered shall be counted for the purpose of confirming pensionary benefits.

7. In view of the fact that the eligibility of teachers to receive pension is a continuous cause of action, the question of limitation or laches would not arise. The only impediment for the writ petitioner is that he would not receive any interest for the belated disbursement of the arrears of the pensionary benefits.



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8. In view of the above said facts, the impugned order dated 28.07.2025 is set aside and this Writ Petition stands allowed directing the authorities to consider 50% of the services rendered by the petitioner during the period between 15.04.1988 to 04.10.1996 for the purpose of calculation of pension and thereafter, proceed to disburse the pensionary benefits. However, the petitioner would not be entitled to any interest, if the disbursement of pensionary benefits is effected within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

13.08.2025

Index : Yes / No
NCC : Yes / No
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M.DHANDAPANI, J.

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To:-

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School Education Department,
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