



W.P(MD)No.23554 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.11.2025

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THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

WP(MD)No.23554 of 2019

Paramasivam

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Dept of School Education,
Fort St.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 Chief Educational Officer,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 4th respondent herein in Na.Ka.No.4681/A2/2019 dated 26.08.2019 quash the same and further Direct the respondents herein to re-fix petitioner's pension by counting 50 percentage of the petitioner's part-time vocational instructor service between 15.07.1983 to 31.03.1990 and disburse arrears of pension from the date of retirement.



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For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the impugned order dated 26.08.2019, by and in which the petitioner's prayer for including 50% of his past services for the purpose of calculating pension was rejected.

2.The learned counsel for the petitioner would submit that the above issue has become no longer *res-integra* in view of the decision in W.P. (MD)No.9588 of 2023 in the case of *Arulldhas vs. the State represented by the Principal Secretary to Government and others* [W.P.(MD)No.9588 of 2023 dated 30.06.2023].

3.However, the said contention was totally objected by the learned Additional Government Pleader citing Section 11(4)(i) of the Tamil Nadu Pension Rules (hereinafter referred to as 'Rules') and would submit that the judgment relied by the petitioner did not consider Section 11(4) (i) of the Rules and therefore, the above judgment is not applicable to the facts of the present case.



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4.I have given my anxious consideration to either side submissions and perused the materials placed on record.

5.The short point to be considered in the present writ petition is whether 50% of the petitioner's past service as part time vocational instructor can be taken into consideration for the purpose of calculating his pension.

6.In this connection, the learned counsel for the petitioner would rely upon the judgment in W.P.(MD)No.9588 of 2023 dated 30.06.2023, wherein the learned Judge after relying upon the decision of the Hon'ble Division Bench in the case of the ***State of Tamil Nadu vs. S.Durairaj and another*** [W.A.(MD)No.517 of 2020 dated 13.08.2020] and ***M.Velliyangiri vs. The Government of Tamil Nadu*** [W.A.No.2133 of 2019 etc., batch], has ultimately held that 50% of the past services rendered by the petitioner as part time vocational instructor, has to be taken into consideration for the purpose of calculating pension. Though the learned Additional Government Pleader would contend that in view of Section 11(4) of the Rules, the petitioner is not eligible to the said relief, in the judgment relied by the learned counsel for the petitioner, this Court has ultimately gone into all these aspects and after consideration only has arrived at the conclusion that the Vocational Instructors are entitled to count their 50% of part time



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services for the purpose of calculating pension. Therefore, this Court is of the firm view that in view of the above judgment, this issue has become no longer *res integra*. This Court deems it appropriate to extract para 2 of the order in W.P.(MD)No.9558 of 2023 for ready reference as under:

“2.The petitioner was appointed as double part time Vocational Instructor on 11.08.1988. It was duly approved on 16.02.1998. The only demand now placed by the petitioner is that 50% of the service rendered by him as part time vocational instructor from 11.08.1988 to 04.10.1996 should be taken into account for calculating his qualifying service. The issue on hand is no longer res integra. It is covered vide order dated 12.04.2023 made in W.P(MD)No.6757 of 2023, I had held as follows:

“6.Though the Hon'ble Division Bench passed an order dated 06.04.2018 as stated by the learned Additional Government Pleader, subsequent benches have taken a contra view. My attention is drawn to the order dated 13.08.2020 passed in W.A(MD)No.517 of 2020 (The State of Tamil Nadu Vs. S.Durairaj & another) in which it was held that while similar claims can be entertained, interest will have to be denied. An authoritative pronouncement has come recently on 03.03.2023 in W.A.No.2133 of 2019 etc batch (M.Velliyangiri Vs. The Government of Tamil Nadu). The Hon'ble Division Bench posed a specific issue as to whether writ petitions filed subsequent to the cutoff date can also be entertained. Paragraph Nos.11 and 12 of the said order read 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 cutoff 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,



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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.

12.In the result, these writ appeals are allowed subject to the above observations, setting aside the orders in all the writ petitions mentioned above. Consequently, connected writ petitions are allowed. The respective respondents in each of the writ appeals/writ petitions are hereby directed, after fixing the revised pension by taking into account the past 50% services the revised pension arrears shall be calculated and to be disbursed to the appellants/petitioners within a period of twelve weeks from the date of receipt of a copy of this order. No costs.”

The case on hand is squarely covered by the aforesaid decision. The respondents are directed to take into account 50% of the part time service of the petitioner herein. The petitioner's pensionary benefits will be refixed accordingly. Arrears shall also be paid. But the petitioner will not be entitled to any interest. The entire exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.”

The same approach has been adopted in this case also. The respondents are directed to include 50% of the petitioner's part time service rendered between 11.08.1988 to 04.10.1996. The petitioner's pension shall be refixed accordingly. Arrears shall also be paid. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.”

7.In view of the above, this Court is of the firm view that the petitioner is entitled for the relief as sought for. In the result, this writ petition is allowed and the order passed by the fourth respondent dated 26.08.2019 is



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hereby set aside. No costs.

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Index : Yes/No

Neutral Citation : Yes/No

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C.KUMARAPPAN, J.

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