



W.P.(MD)No.30627 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.30627 of 2024

A.Arulanandar

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep by its Principal 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,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take the 50% of the part time service rendered by the petitioner i.e. from 29.02.1988 to 04.10.1996 along with the regulars service for the pension benefits i.e., for the period of 31 years 00 months 16 days based on the common judgment passed by the Division Bench in W.A.(MD).Nos.347 and 526 of 2020 dated 20.04.2023 and by extending the benefits of the G.O.No. 127 School Education (Pa.Ka.7(1) Department) dated 12.07.2023.



WEB COPY



W.P.(MD)No.30627 of 2024

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The instant Writ Petition has been filed by a Vocational Teacher, seeking to consider the services rendered by his as a single part-time Vocational Teacher for the purposes of calculating the pensionary benefits.

2.The petitioner was appointed as single part-time Vocational Instructor on 29.02.1988 and his services were regularised with effect from 05.10.1996. He attained superannuation on 30.06.2023. Thereafter, he has approached the authorities seeking to reckon 50% of his services put up by him as single part-time Vocational Teacher. However, the said request has been rejected by the authorities on the ground that the said benefit is calculated only to the teachers, who have already approached the Court. Challenging the said order, the present Writ Petition has been filed.

3.The respondents have filed a counter, contending that the period of service rendered by the petitioner as part time from 29.02.1988 had not been



W.P.(MD)No.30627 of 2024

considered. He had rendered 08 years 07 months 05 days in part time service

and regular service for 26 years 08 months 27 days.

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

5.The fact that the petitioner's services were 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) 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



W.P.(MD)No.30627 of 2024

before 01.04.2003, half of the services rendered shall be counted for the

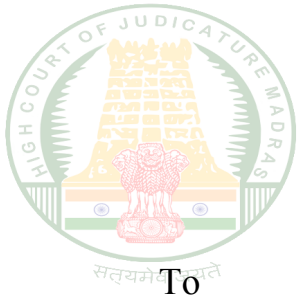
purpose of confirming pensionary benefits.

6.In view of the fact that the eligibility of teachers to receive pension is a continuing 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.

7.In view of the above said facts, this Writ Petition stands allowed directing the authorities to consider 50% of the services rendered by the petitioner during the period between 29.02.1988 and 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.

NCC :yes/no
Index :yes/no
Internet :yes/no
mm

25.04.2025



W.P.(MD)No.30627 of 2024

To
WEB COPY

- 1.The Principal 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,
Dindigul.



WEB COPY



W.P.(MD)No.30627 of 2024

BATTU DEVANAND, J.

mm

W.P.(MD)No.30627 of 2024

25.04.2025