



WEB COPY

WP No. 7688 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 7688 of 2026

P.Franklin Peter Vedanayagam
S/O.Paul vedanayagam
res.at Cradle D Roxie,
5-5/11, Vijayan servai Lane
Tiruppattur
Sivagangai District-630 211

..Petitioner(s)

Vs

1. The State of Tamilnadu
The Secretary to Government
School Education Department
Fort St.George
Chennai-600 009
2. The Director of school Education
DPI Campus college Road
Chennai-600 006
3. The Joint Director of school Education
(vocational Education)
Directorate of school Education
Chennai-600 006

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to count the petitioners service from the initial date of appointment ie. 18.9.1997 to 9.2.2007 as a vocational instructor on par with similarly placed vocational instructors based upon the representation dated 7.10.2025.



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For Petitioner(s): Mr.A.Mohamed Ismail

For Respondent(s): Ms.Mythreye Chandru, SGP

ORDER

This Writ Petition has been filed seeking a direction to the respondents to count the petitioner's service from the initial date of appointment i.e., from 18.09.1997 to 09.02.2007 as a Vocational Instructor on par with similarly placed Vocational Instructors based upon the representation dated 07.10.2025.

2. Heard the learned counsels appearing on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.

3. The brief facts of the case is as follows:

3.1. The petitioner was appointed on temporary/part-time as Vocational Instructor on 18.09.1997 at St. Joseph's Higher Secondary School, Cuddalore and paid consolidated remuneration. Pursuant to G.O.Ms No.35 dated 09.02.2007, he was granted time scale of pay and now serving as Vocational Instructor Grade-I, however, his past service from 18.09.1997 to 09.02.2007 was not counted for pensionary benefits.. In this regard, the petitioner has submitted a detailed representation dated 07.10.2025, however, the same was



not considered by the respondents. Aggrieved by the same, the present Writ Petition.

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4. The learned counsel for the petitioner submitted that similarly placed Vocational Instructors have been granted pensionary benefits by counting their past services through various Government Orders and hence, prayed to extend the same benefits to the petitioner herein by allowing the petition.

5. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submitted that since the issue involved in this petition is no longer res judicata as the same was decided by the Hon'ble Full Bench of this Court in W.A.158 of 2016 etc., batch on 03.12.2019 and as per the aforesaid decision, the petitioner is not entitled for the relief sought for in this petition and thus, she prayed to dismiss the Writ Petition.

6. I have considered the rival submissions made by the respective learned counsels and also perused the materials placed on record.

7. Perusal of the case records reveal that the petitioner joined as Vocational Instructor on 18.09.1997 and thereafter, pursuant to G.O.Ms.No.35 dated 09.02.2007, he was granted the time scale of pay. At this juncture, it is relevant for this Court to refer to the relevant portions of the judgment of the



Hon'ble Full Bench of this Court in *W.A.158 of 2016 etc., batch dated 03.12.2019 [The Government of Tamil Nadu represented by Secretary to Government Public Works Department Secretariat Chennai - 600 009 & 2 Others Vs. R.Kaliyamoorthy]*. The relevant portions of the said decision is as follows:

“i)those who are freshly appointed on or after 01.04.2003 are not entitled to pension in view of proviso to Rule 2 of the Tamil Nadu Pension Rules, 1978 inserted by G.O.Ms No.259, dated 06.08.2003;

ii)the Government servants/employees appointed prior to 01.04.2003 whether on temporary or permanent basis in terms of Rule 10(a) of the Tamil Nadu State and Sub-ordinate Rules will be entitled to get pension as per the Tamil Nadu Pension Rules, 1978;

iii)in case, a government servant/employee had also rendered service in non provincialized service or on consolidated pay or on honorarium or daily wage basis and if such services were regularised before 01.04.2003, half of such service rendered shall be counted for the purpose of conferment of pensionary benefits;

iv)those government servants who were appointed in the aforesaid four categories before the cut off date and later appointed under Rule 10(a) (i) of Tamil Nadu State and Sub-ordinate Service Rules before 01.04.2003 and absorbed into regular service after



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01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension; and

v)those government servants who were appointed in the aforesaid four categories before 01.04.2003 but were absorbed in regular service after 01.04.2003 will not be entitled to count half of their past service for the purpose of determination of qualifying service for pension.”

The aforesaid extract is self explanatory. In the present case on hand, the petitioner was appointed as Vocational Instructor and granted the time scale of pay only on 09.02.2007 which was only after 01.04.2003 and in view of the aforesaid judgment of the Hon’ble Full Bench, the petitioner is not entitled for his claim of pensionary benefits by counting his past services from 18.09.1997 to 09.02.2007. In view of the settled proposition, the relief sought for by the petitioner in this petition cannot be granted.

8. For the foregoing reasons, the Writ Petition stands dismissed. There shall be no order as to costs.

27-02-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

DP



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