



WEB COPY

WP No. 50764 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-01-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 50764 of 2025

K.Devan
S/o. Kada Gowder,
No. 31 Marutham Garden
Palani Goundan Pudhur, Pannimadai Road,
Vadamadurai,
Coimbatore district

..Petitioner(s)

Vs

1. The Principal Secretary
to the Government,
School Education department,
Fort St.George, Chennai-600 009
2. The Director of School Education
Directorate of School Education ,
DPI Complex, College Road, Chennai-600 006
3. The Joint Director (Vocational)
Directorate of School Education ,
DPI Complex, College Road, Chennai-600 006
4. The Chief Educational officer
Nilgiris District,
Nilgiris
5. The Accountant General
Office of he Accountant General (A and E) ,
361 Anna Salai,
Teynampet, Chennai 18



..Respondent(s)

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to calculate the 50% of service rendered by the petitioner as part-time Vocational Instructor on consolidated pay (from 18.07.1979 to 26.11.1986) along with regular service for arriving net qualifying service for calculation of pension and to grant all monetary and other attendant benefits and arrears within a stipulated time may be fixed by this Hon'ble court.

For Petitioner(s): M.Saravanakumar

For Respondents : Ms.Mythreye Chandru for R1 to R4

Special Government Pleader

Mr.V.Vijayshankar for R5

Standing Counsel

ORDER

This writ petition has been filed seeking a direction to the respondents to calculate the 50% of service rendered by the petitioner as part time Vocational Instructor on consolidated pay (from 18.07.1979 to 26.11.1986) along with regular service for arriving net qualifying service for calculation of pension and to grant all monetary and other attendant benefits and arrears within a stipulated time to be fixed by this Hon'ble court.



2.The case of the petitioner is that the Tamil Nadu Public Service Commission issued a notification in the year 1984 for the selection of Post Graduate Teacher and the examination was conducted in the year 1985, and the petitioner was selected and appointed through Tamil Nadu Public Service Commission on 26.11.1986 in regular time scale of pay. Thereafter, the petitioner served in various Government Higher Secondary Schools in the Nilgiris District. Considering the petitioner's service, the petitioner was promoted as Headmaster on 29.08.2007 and retired from service on superannuation on 31.05.2015. The petitioner was initially appointed as Vocational Instructor on 18.07.1979 in Government Higher Secondary School, Manjoor, Nilgiris District and worked up to 20.11.1986 on consolidated pay. Thereafter, the petitioner's service was brought under the regular time scale of pay with effect from 26.11.1986. The petitioner was appointed to a sanctioned permanent post in the year 1988, and there was no irregularity in his initial appointment. He discharged his duties without giving any room for complaint. Therefore, it was the bounden duty of the respondents to regularise his service from the date of his initial appointment.

2.01.However, instead of doing so, the respondents arbitrarily regularised his service only from the date of permanent absorption made in the department, for the reasons best known to them. The petitioner made representations to the respondents seeking calculation of e 50% of the temporary services rendered in



Tamil Nadu Educational service for pensionary benefits. The claim of the petitioner for counting 50% of the temporary service rendered in the Tamil Nadu Educational Service for pensionary benefits is squarely covered by G.O Ms.No.408, Finance (Pension) Department, dated 25.08.2009. The actions of the respondents are contrary to the dictum laid down by this Court and also to the subsequent Government Orders, particularly when the case of the petitioner is covered by this Court's order dated 29.08.2023 made in W.A.No.2907 to 2910 of 2019. The petitioner made a representation to the respondents on 30.04.2023, requesting them to calculate 50% of the temporary service rendered in Tamil Nadu Educational Service for pensionary benefits. However, the same has not been considered till date. Hence, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that it would suffice, if a direction is issued to the third respondent to consider the petitioner's representation within a reasonable time.

4.Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the case, directs the third respondent to consider the petitioner's representation dated 30.04.2023 and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



5. With the above directions, this writ petition is disposed of. No costs.

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

UMA

To

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to the Government,
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Fort St.George, Chennai 09
2. The Director of School Education
Directorate of School Education ,
DPI Complex, College Road, Chennai 06
3. The Joint Director (Vocational)
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M.DHANDAPANI, J.

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