



C.M.P.(MD) No.14785 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2026

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**C.M.P.(MD) No.14785 of 2025
in
W.A.(MD) SR No.73856 of 2025**

1.The Principal Secretary
to Government
Secretariat
Education Department
Chennai-9

2.The Director of School Education
Education Department
College Road, Chennai-6

3.The Chief Educational Officer
Kanyakumari District

4.The Headmaster
Government Boys Higher
Secondary School
Marthandam
Kanyakumari District

... Petitioners

-VS-

J.Chandra Regi Valse

... Respondent



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WEB C **PRAYER:** Petition filed under Section 5 of Limitation Act to condone the delay of 709 days in filing the above writ appeal as against the order dated 24.08.2023, passed in W.P.(MD) No.7774 of 2023.

For Petitioners : Mr.J.Ashok
Additional Government Pleader

For Respondent : Ms.X.Sumalatha
for Ms.P.Kalaiyarasi Bharathi

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This civil miscellaneous petition has been filed seeking to condone the delay of 709 days in the filing the above writ appeal.

2. In the affidavit filed in support of the condone delay petition, the reason stated for the delay is as follows:

“12.I submit that order was passed on 24.08.2023. Order copy was received on 31.08.2023. I submit that the papers were forwarded to higher officials for further process and there the paper got mixed up other bundles and misplaced. I submit that due to change of court clerk the same was not followed.



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Similar grievance were placed before government and government after taking notice of financial constrains have advised to prefer writ appeals by pointing out the factual and legal position and after hectic effort in the 2nd Week of August 2025 bundle was traced and thereafter it was instructed by the higher officials to prefer writ appeal referring to the above facts and the writ appeal was made ready and filed today with a delay of 709 days. The delay in filing is due to the bonafide reasons afore stated and it is neither willful nor wanton. If the said delay was not condoned it will cause grave prejudice and irreparable hardship and heavy loss to the petitioners on the other hand no prejudice whatsoever would be caused to the respondent.”

3. It is a case of counting 50% of the part-time service as Vocational Instructor in the Education Department for pensionary benefits. Though the respondent / writ petitioner had mistakenly reported before the learned Single Judge that the prayer in the writ petition has been considered by the Government by passing a Government Order and thereby, he is not pressing the writ petition, now learned counsel appearing for the respondent / writ petitioner states that pursuant to the common Government Order passed



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by the Government taking into consideration 50% of the part-time service Vocational Instructors for their pensionary benefits, it was so represented before the learned Single Judge and the writ petition was closed accordingly. But, thereafter, the Government, who was supposed to pass individual Government Orders for all the eligible part-time Vocational Instructors, had not passed the order.

4. The issue of considering 50% of the service rendered by the Vocational Instructors before regularization as part-time employee is no more ***res integra***, in view of the Division Bench Judgment of this Court, dated 06.04.2018 in W.A.Nos.882 of 2017 etc. batch. Hence, if the respondent / writ petitioner is entitled for counting 50% of his part-time service as Vocational Instructor, the same should have been considered and pensionary benefits should have been conferred on him. If the Government has not do so, it is the duty of the Government to do so and the Government cannot take advantage of the closure of the writ petition. Hence, we are inclined to condone the delay.



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5. Accordingly, this civil miscellaneous petition is allowed and the delay of 709 days in filing the above writ appeal is condoned.

6. Registry is directed to number the writ appeal, if the papers are otherwise in order, and post the same for admission in the usual course.

7. The petitioners are directed to comply with the dictum of the Division Bench of this Court vide Judgment, dated 06.04.2018 in W.A.Nos.882 of 2017 etc. batch and extend the benefit of the Government Order in G.O.(Ms) No.127, School Education (Pa.Ka.7(1)) Department, dated 12.07.2023 and pay the revised pension to the respondent / writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

[G.J., J.]

[K.K.R.K., J.]

09.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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