



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.06.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD) No.13876 of 2018

N.Stephen

... Petitioner

-vs-

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department 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

5.The Accountant General of Tamilnadu
Office of the Accountant General,
Chennai - 600 018.

6.The Sub Treasury Officer,
Sub Treasury Office, Eraniel,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to re-fix petitioner's pension by counting 50% of the petitioner's part-time Vocational Instructor service between 08.01.1985 to 11.11.1997 and disburse arrears of pension from 30.04.2017 onwards.

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

For R1 to R4 : Mr.D.Muruganantham

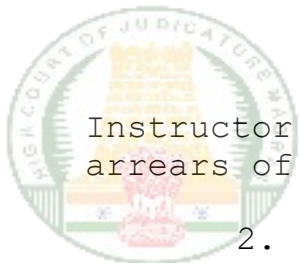
Additional Government Pleader

For R5

: Mr.P.Gunasekaran

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus directing the respondents herein to re-fix petitioner's pension by counting 50% of the petitioner's part-time Vocational



Instructor service between 08.01.1985 to 11.11.1997 and disburse arrears of pension from 30.04.2017 onwards.

2. Heard Mr.E.V.N.Siva, learned Counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for respondents 1 to 4 and learned counsel appearing for the respondent 5.

3. The learned Counsel appearing for the petitioner would submit that the petitioner was appointed as Double Part-time Vocational Instructor on 08.01.1985 at St.Bernadette's Higher Secondary School, Kanyakumari District in a sanctioned post. Thereafter, the petitioner was absorbed as Regular Vocational Instructor on 12.11.1997. The petitioner had been working as Regular Vocational Instructor for several years. The petitioner attained the age of superannuation on 30.04.2017 and provided re-employment upto 31.05.2017 and relieved from service on 31.05.2017. Therefore, in order to calculate 50% service as Part Time Vocational Office for pensionary benefits, the petitioner has given a representation dated 13.02.2018 to the first respondent. Since the said request was not considered, the petitioner has approached this Court for the aforesaid prayer.

4. The learned Counsel appearing for the petitioner would submit that if the said representation made by the petitioner on 13.02.2018 is directed to be considered and an order to that effect is directed to be passed within a time stipulated by this Court, the petitioner would be satisfied.

8.I have heard Mr.D.Muruganantham, learned Additional Government Pleader, who would submit that the said request of the petitioner dated 13.02.2018 would be considered on merits and an order to that effect would be passed within a time frame.

9.Considering the said submission made by both sides, this Court is inclined to pass the following order:

The second respondent is directed to pass orders after considering the request of the petitioner by taking into consideration 50% of his past service as Double Part time Vocational Instructor and pass 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.

10. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/



To

1.The Secretary,Department 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.

5.The Accountant General of Tamilnadu,
Office of the Accountant General,Chennai - 600 018.

6.The Sub Treasury Officer,Sub Treasury Office, Eraniel,
Kanyakumari District.

+1cc to M/S.E.V.N.Siva, Advocate SR.No. 70566

+1cc to Special Government Pleader, SR.No. 70559

+1cc to M/S.P.Gunasekaran, Advocate SR.No. 70690

W.P. (MD) No.13876 of 2018
29.06.2018

cm

JM/SV/SAR 1/17.07.2018/3P/10C