

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.10592 of 2015

N.Kuppusamy

... Petitioner

vs.

1.The State of Tamil Nadu
rep. By its Secretary
School Education Department,
Fort St.George, Chennai- 600 009.

2. The Director of Pension,
D.M.S Compound,
Teynampet,
Chennai-600 018.

3. The Chief Educational Officer,
Dharmapuri District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the 1st respondent to consider the petitioner's representation dated 06.06.2012 in view of G.O.Ms.No.19, School Education [S1(1)] Department, dated 06.02.2001 and sanction the regular pension and other retired benefits with 6% interests per annum.

For Petitioner : Mr.R.Sreedharan

For Respondents : Mr. V.Jayaprakash Narayanan
Spl.G.P

O R D E R

The petitioner is serving as a Physical Education Teacher in the Government High School, Pappireddipatty, Dharmapuri District. He joined the service in the year 1957 and served for 12 years. Thereafter, he resigned from service. He made a representation dated 06.06.2012 to the first respondent to grant him pension based on G.O.Ms.No.19, School Education Department dated 06.2.2001 wherein a teacher similarly situated like the petitioner, who also resigned from service was granted pension when he rendered more than 10 years of service. Furthermore, the learned counsel for the petitioner has brought to my notice the Judgment dated 15.12.2011 in W.P.No.5170 of 2011 in K.Devan Vs. The District Forest Officer i.e., enclosed at Page 3 of the typed set wherein a direction was issued for payment of pension in the case

of resignation when the Government Servant served for more than 10 years. The said Judgment was confirmed in W.A.No. 317 of 2012 in The District Forest Officer Vs. K.Devan dated 28.10.2013. The Government issued G.O.3(D)No.81, dated 11.09.2014 and granted pension. The petitioner also relied on another Judgment reported in 2008 (6) CTC 700 in D.Vijayarangan Vs. Secretary, Sales Tax Appellate Tribunal (Addl. Bench), Madurai.

2. Taking into account the fact that the petitioner is aged 82 years and also the aforesaid fact, the first respondent is directed to consider the representation dated 06.6.2012 which is enclosed at page 7 of the typed set of papers, in the light of G.O.3(D)No.81, dated 11.09.2014 and Judgment dated 15.12.2011 in W.P.No.5170 of 2011 in K.Devan Vs. The District Forest Officer and that was confirmed by the Division Bench Judgment in W.A.No.317 of 2012 in The District Forest Officer Vs. K.Devan dated 28.10.2013 and also the Judgment of a Division Bench reported in 2008 (6) CTC 700 (cited supra) within a period of 8 weeks from the date of receipt of a copy of this order. No costs

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Secretary, State of Tamil Nadu
School Education Department,
Fort St.George, Chennai-600 009.

2. The Director of Pension,
D.M.S Compound,
Teynampet,
Chennai-600 018.

3. The Chief Educational Officer,
Dharmapuri District.

+1 cc to Mr.G.Punniyakotti, Advocate,SR.27578

+1 cc to Government Pleader,SR.27215.

Km(co)
krd 11/6

W.P.No.10592 of 2015