

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.13950 of 2015

C.Jayapal

... Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director of School Education
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer
Vellore District
Vellore.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to settle the retirement benefits eligible to the petitioner as on the date of retirement on 31.05.2005 including regular pension, commutation pension 50% of DCRG and Transfer Travelling Allowance (TTA) Earned Leave Salary including revision of salary and payment of Dearness Allowance (DA) etc in the post of B.T.Assistant (Tamil) along with interest for the belated payment, by considering the representation submitted by the petitioner dated 15.03.2014 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran

For Respondents: Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard both sides. By consent the writ petition is taken up for final disposal as the prayer lies in a narrow compass.

2.The petitioner worked as Secondary Grade Teacher. He reached the age of superannuation on 31.05.2005. He was allowed to retire without prejudice to the departmental proceeding. The departmental proceeding under the Tamil Nadu Pension Rules resulted in the

imposition of punishment of cut in pension of Rs.200/- per month for a period of 24 months. The said punishment order was passed by the first respondent in G.O.(2D) No.51 School Education Department dated 25.09.2009.

3.The grievance of the petitioner is that though final order was passed under the Tamil Nadu Pension Rules, he has not been paid regular pension. He has not been paid the entire DCRG and other terminal benefits.

4.Since the Government issued G.O.(2D) No.51 School Education Department dated 25.09.2009, in the disciplinary proceedings under the Tamil Nadu Pension Rules, there is no impediment for the respondent to grant regular pension as well as other terminal benefits. Hence the petitioner made a representation dated 15.03.2014 to the first respondent to sanction him the regular pension and other terminal benefits in view of G.O.(2D) No.51 School Education Department dated 25.09.2009.

5.In view of the aforesaid facts, a direction is issued to the first respondent to pass orders on the representation dated 15.03.2014 of the petitioner relating to payment of regular pension and other terminal benefits within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri
To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Director of School Education
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer
Vellore District, Vellore.

+1cc to M/s. G. Sanharan, Advocate, S.R.No.26318
+1cc to the Government Pleader, S.R.No.25914

PPA(CO)
EU(19/06/2015)

W.P.No.13950 of 2015