

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P. No.22886 of 2015

E.Kannappan

.. Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
2. The Deputy Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
3. The Education Officer,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to pass appropriate orders sanctioning pension and to settle all the retirement benefits due to the petitioner in accordance with law and with interest for the undue delay caused, within a stipulated time limit to be fixed by this Court.

For petitioner : Mrs.Malarvizhi Udayakumar
For respondents : Mr.S.Saravanan

ORDER

The petitioner joined as Higher Grade Assistant on 20.06.1970 in Villivakkam Panchayat Union School, Karalappakkam; was promoted subsequently as Primary School Headmaster in the School at Srinivas Nagar, Villivakkam during 1975-76 and was thereafter transferred to Panchayat Union Middle School, Vanagaram, Chennai. During the year 1978, the Panchayat Union got amalgamated with Corporation of Chennai and hence, the petitioner was absorbed in Corporation Service with effect from 01.06.1978 as per G.O.Ms.No.790, RDLA Department, dated 29.05.1978. He was further promoted as Tamil Pandit with effect from 01.11.1982 in the Madras Port Trust Colony Middle School, New Washermanpet, Chennai and was subsequently transferred to Corporation Higher Secondary School as Tamil Pandit Grade-1 at Alwarpet and

Tondiarpet, Chennai. He was subsequently promoted as Corporation Middle School Headmaster in the School at Balaji Nagar, Royapettah, Chennai and was transferred as Headmaster of the Chennai Middle School, Ekangipuram, Ayanpuram, Chennai. He attained the age of superannuation on 31.07.2009. He was permitted to continue on re-employment upto the end of the academic year, i.e. from 01.08.2009 to 31.05.2010 and was thereafter relieved from the service on 01.06.2010 FN.

2. It is the grievance of the petitioner that he has not been settled with the retiral benefits till date. Non-settlement of retiral benefits, amounts to violation of Articles 14 and 21 of the Constitution of India. The State is bound to pay the retiral benefits immediately after retirement of Government servant.

3. Hence, this Writ Petition is allowed, and a direction is issued to the first respondent-Commissioner of Corporation of Chennai, to pay the retiral benefits of the petitioner, including sanction of pension, if not yet sanctioned, and settle all retiral dues within a period of eight weeks from the date of receipt of a copy of this order, in accordance with the relevant Rules.

4. As per the decision of a Division Bench of this Court, reported in 2009 (3) MLJ 1 = CDJ 2010 MHC 1561 (Government of Tamil Nadu, represented by the Secretary to Government, Revenue Department, Chennai and another Vs. M.Deivasigamani), the petitioner shall also be paid interest on the retiral benefits due, from the date it has fallen due, till the date of payment, if the Rules do not provide for interest. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

CS

To

1. The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.
2. The Deputy Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

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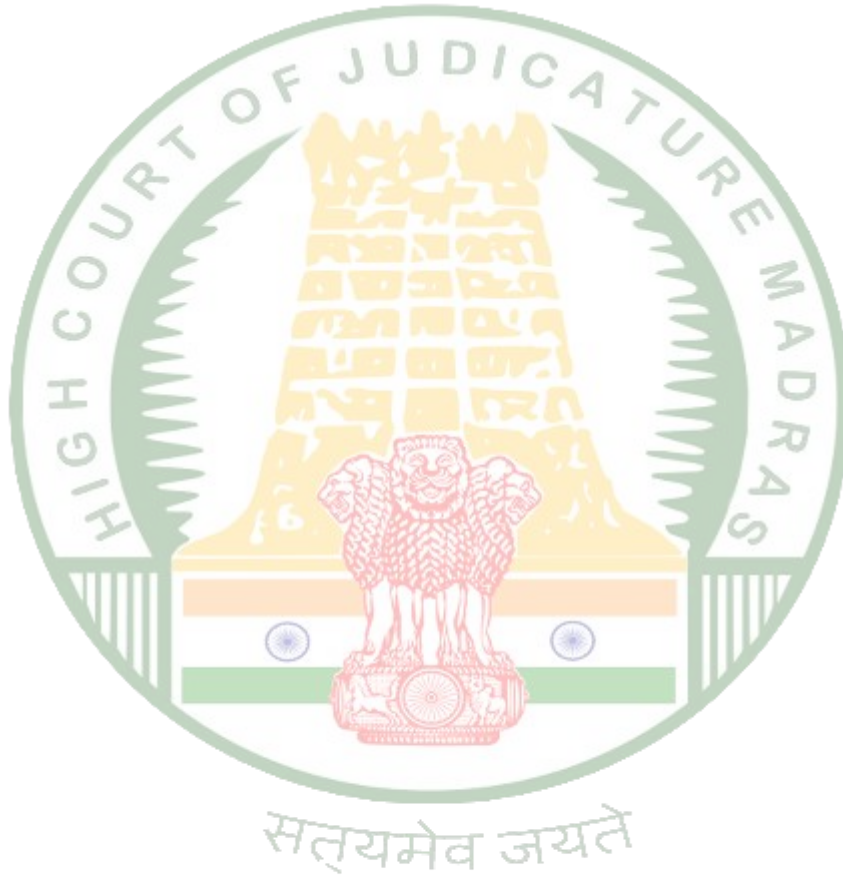
3. The Education Officer,
Corporation of Chennai,
Rippon Buildings, Chennai-600 003.

+1 cc to Mrs.Malarvizhi Udayakumar, Advocate, sr.38685

+1 cc to Mr.S.Saravanan, Advocate, sr.38746

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