

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.08.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.24553 of 2015

C.Sarojini Elizabeth

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep.by Secretary to Government,
Educational Department,
Fort St. George, Chennai 600 009.

2.The Accountant General of Tamil Nadu,
Chennai 600 018.

3.The Director of School Education,
Chennai-6.

4.The District Educational Officer,
Tiruppattur, NA District.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of Mandamus directing the first respondent to consider the representation dated 08.05.2015 in the light of the judgment dated 17.10.2014 passed in W.P.No.7299 of 2010 on the file of this court.

For Petitioner .. Mr.J.R.K.Bhavanatham
For Respondents .. Mr.S.Pattabiraman,
Government Advocate
for R1, R3 and R4

ORDER

Mr.S.Pattabiraman, learned Government Advocate takes notice on behalf of respondents 1,3 and 4 and by consent of both the learned counsel appearing for the petitioner and the respondents 1,3 and 4, the writ petition is taken up for final disposal at the admission stage.

2.The petitioner was initially working as Music Teacher. Thereafter, she was relieved from service on medical grounds. The request of the petitioner for pension has not been considered by the respondents. The petitioner filed writ petition earlier in W.P.No.7299 of 2010, in which this Court passed the following order on 17.10.2014, which is extracted hereunder:

"3.In the counter affidavit filed by the respondent No.3, it has been stated as follows:

That this respondent submits that in the said proceedings, the second respondent observed that the petitioner discontinued her service on medical grounds as she had to undergo a major operation at the age of 16 years which caused me as Orthopaedically handicapped person and that she was relieved afternoon of 06.10.1966 as per the entries made in the Service Register and that can be construed as resignation on medical grounds. She had undergone surgery even at the age of 16.

4.The above said stand taken by the respondents 1 and 2 would show that if the Government relaxes the rules in favour of the petitioner, pension can be sanctioned from 05.06.1981. Similarly, petitioner's case for invalid pension on compassionate ground can also be considered under Rule 17 of the Rules. It is said to be pending consideration of the Government.

5.In such view of the matter, as the Secretary to Government, Government of Tamil Nadu, Education Department is not a party to this writ petition, the petitioner is directed to give detailed representation to the Government enclosing a copy of this order within a period of eight weeks from the date of receipt of a copy of this order. As and when the same is received, the Secretary to government Government of Tamil Nadu, Education Department, Fort St. George, Chennai 600 009 is directed to pass appropriate order by considering the position as stated in the counter affidavit filed by the respondents 1 and 3 as the case may be within a period of twelve weeks thereafter."

Thereafter, the petitioner made a representation dated 29.11.2014 to respondents 3 and 4. As no order has been passed, the present writ petition has been filed.

3. Taking into consideration the pendency of the representation dated 29.11.2014, followed by the legal notice dated 08.05.2015, a direction is issued to the first respondent to consider and pass appropriate orders on the said representation made by the petitioner, on merits and in accordance with law. The first respondent is also directed to pass appropriate orders by taking into consideration of the said earlier order passed by this Court in W.P.No.7299 of 2010 dated 17.10.2014. The petitioner is directed to

furnish a copy of the representation along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such receipt of copy of this order along with a copy of the said representation, the first respondent shall pass orders as directed above, within a period of eight weeks thereafter. The writ petition is disposed of accordingly. No costs.

ari

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

- 1.The Secretary to Govt.
Govt. of Tamil Nadu.
Educational Department,
Fort St. George, Chennai 600 009.
 - 2.The Accountant General of Tamil Nadu,
Chennai 600018.
 - 3.The Director of School Education,
Chennai-6.
 - 4.The District Educational Officer,
Tiruppattur, NA District.
- + 1 cc to Mr.J.R.K.Bhavanantham, Advocate SR 41307
- + 1 cc to the Govt.Pleader SR 41599

ts(co)
prk20/8

सत्यमेव जयते

W.P.No.24553 of 2015

WEB COPY