

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.32931/2015

D.Devasahayam

.. Petitioner

Versus

1.The Secretary

Government of Tamilnadu
Education Department
Fort St George, Chennai 600009.

2.The Director of Elementary Education,
Nungambakkam, Chennai 600006.

3.The Chief Educational Officer
Vellore, Vellore District.

4.The Assistant Elementary Educational
Officer, Sholingur, Vellore District.

5.The Accountant General [A&E]
Tamilnadu, Chennai 600018.

.. Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for a issuance of a writ of mandamus directing the 1st respondent to consider and pass order of the petitioner's representation dated 30.06.2014 regarding to take into account the petitioner's service from 01.09.1969 to 20.11.1973 in M.D.Elementary School at Thirumalairajapuram, Chittoor District along with the petitioner service from 21.11.1973 to 30.06.2002 under the same Management to reckon with the total qualifying service for pension and to revise the petitioner pensionary benefits on that basis and disburse the arrears of pensionary benefits with interest within a limited time frame.

For Petitioner	:	Mr.V.Thirupathi
For RR 1 to 4	:	Mr.N.Srinivasan, AGP
For R5	:	Mr.V.Vijayshankar

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner joined the service of Education Department as Higher Elementary Grade Teacher in M.D. Elementary School, Thirumalairajapuram, Karvet Nagar, Chithoor District on 01.09.1969, which comes under the Management of W.A.C. Ekambaranellore, via Ranipet, Vellore District, which is a Government Aided Institution. The said post was upgraded as Secondary Grade Teacher with effect from 01.07.1971 and the petitioner served in that capacity till 20.11.1973. The School Management has transferred him to the Elementary School in their Management at Veeramangalam, R.K.Pet Range, Chengalpattu District, Tamil Nadu and joined duty on 21.11.1973 and after serving in various Elementary schools under the very same Management, he retired from service on 30.06.2002 on attainment of the age of superannuation as Secondary Grade Teacher at M.D. Elementary School Thagarakuppam, Sholinghur Union, Vellore District. According to the petitioner, the monthly pension ought to be fixed at Rs.5100/- taking into consideration his period of service from 01.09.1969 to 30.06.2002 [i.e., 33 years 9 months and 21 days as net qualifying service]; however, he was paid with a monthly pension of Rs.3800/- by taking into consideration his period of service from 21.11.1973 to 30.06.2002 [i.e., 28 years 7 months and 10 days as net qualifying service] and however the services rendered by him in Andhra Pradesh between 01.09.1969 to 20.11.1973 has not been taken into consideration. In this regard, the petitioner has submitted a representation dated 30.06.2015 to the 1st respondent with copies marked to the respondents 2 to 5 and since no orders have been passed, he came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 to 4 and Mr.V.Vijayshankar, learned counsel who accepts notice on behalf of the 5th respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 30.06.2015 on merits and in accordance with law and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

sd/
ASSISTANT REGISTRAR (CS-II)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

AP

To

- 1.The Secretary
Government of Tamilnadu
Education Department
Fort St George, Chennai 600009.
- 2.The Director of Elementary Education,
Nungambakkam, Chennai 600006.
- 3.The Chief Educational Officer
Vellore, Vellore District.
- 4.The Assistant Elementary Educational
Officer, Sholingur, Vellore District.
- 5.The Accountant General [A&E]
Tamilnadu, Chennai 600018.

+1 CC to MR.V.Thirupathi Advocate. SR.NO. 56611
+1 CC to Govt.Pleader. SR.NO. 57563

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CO-ALA
JD 29/10/2015