

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.36570 of 2015

V.Sathiyamurthi

... Petitioner

- Vs -

1. The State of Tamil Nadu
Represented by its 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 Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Villupuram District,
Villupuram.
5. The Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, directing the 2nd respondent to forward proposal to the 5th respondent for sanctioning and disbursement of pension benefits including regular pension in favour of the Petitioner based on the pension proposal dated 30.07.2009 forwarded by Headmaster,

Government High School, Pudukuppam, Villupuram District by treating the Petitioner as compulsorily retired from service as on 02.06.1972, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents 1 to 4 : Mr.V.Jayaprakash Narayanan
Special Government Pleader

For 5th Respondent : V.Vijay Shankar

O R D E R

This Writ Petition has been filed by the petitioner seeking for a direction to the second respondent to forward proposal to the fifth respondent for sanctioning and disbursement of pension benefits including regular pension in favour of the Petitioner based on the pension proposal dated 30.07.2009 forwarded by Headmaster, Government High School, Pudukuppam, Villupuram District by treating the Petitioner as compulsorily retired from service as on 02.06.1972.

2. The case of the petitioner is that initially he was appointed as Secondary Grade Teacher in Pootheri Government Aided School, Villupuram District on 04.06.1957, wherein he worked upto 12.06.1962. Thereafter, he was appointed at Singanoor Government Aided School on 13.06.1962. While he was working as Tamil Pandit Grade-I in Tahore High School, he left the services on 02.06.1972, due to family circumstances.

3. The petitioner would state that he worked continuously from 04.06.1957 to 02.06.1972 for a period of fourteen years 11 months and 23 days, so he is eligible of pension. He submitted a representation to the fourth respondent, which was forwarded to the second respondent and the clarification sought for by the fifth respondent was also furnished. Despite the same, the petitioner is not paid family pension. Hence, the present Writ Petition has been filed.

4. Heard the submissions of Mr.G.Sankaran, learned counsel for the petitioner, Mr.V.Jayaprakashnarayanan, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 4 as well as Mr.V.Vijay Shankar, learned counsel who accepts notice on behalf of the fifth respondent.

5. The learned Special Government Pleader who accepts notice for the respondents 1 to 4, on instructions submitted that fourth respondent has forwarded the papers required by the second respondent and the order has to be passed by the second respondent on the representation submitted by the petitioner. He has also produced a copy of the letter dated 19.11.2015 sent by the fourth respondent to the second respondent.

6. Though the petitioner prayed for a larger relief, this Court taking into consideration of the facts and circumstances of the case, directs the second respondent to pass orders on the proposal forwarded by the 4th respondent dated 28.01.2008 and on the representation of the petitioner dated 14.12.2007 on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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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 Joint Director of School Education (Personnel),
Directorate of School Education,
DPI Campus, College Road,
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4. The Chief Educational Officer,
Villupuram District,
Villupuram.

5. The Accountant General (A&E),
Tamil Nadu,
No.361, Anna Salai,
Chennai-600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.64010

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.63954

+1cc to the Government Pleader, S.R.No.63917

W.P.No.36570 of 2015

PA(CO)
CA(16/12/2015)



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