

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.4079 of 2015

D.Kaliyamoorthy

.. Petitioner

Vs.

- 1 The State of Tamilnadu
Rep. by its Secretary
School Education Department
Fort St. George, Chennai-9.
 - 2 The Directorate of Elementary School Education
Rep. by its Director
DPI Complex,
College Road, Chennai-6.
 - 3 The District Elementary Educational Officer
District Primary Education Office
Cuddalore-1.
 - 4 The Secretary
Padi Aided Middle School
Veeramudayanatham Village and Post
Chidambaram Taluk
Cuddalore District
- सत्यमेव जयते.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents to treat his discharge from service as that of voluntary retirement and to consider and sanction pension to the petitioner with effect from 01/03/1997, in accordance with ration of the Divisional Bench dated 17/11/2008 in W.A.No.13048 of 2006.

For Petitioner

: Ms.S.P.Arthi

For Respondents

: Mr.P.Sanjay Gandhi, AGP
for R1 to R3
Mr. S.N.Ravichandran, for R4

O R D E R

The petitioner worked as Vocational Education Teacher (Agriculture) at Paari Aided Middle School in Cuddalore District. The petitioner submitted an application for voluntary retirement. The application was treated as a Notice of retirement by the Management and he was permitted to retire. According to the petitioner, it was only a voluntary retirement and as such he is entitled to all the service benefits.

2. The petitioner submitted a representation dated 06.01.2006 requesting the Director of Elementary School Education to sanction pension. Since there was no follow up action taken by the said respondent, the petitioner is before this court.

3. The factual matrix indicates that the application for voluntary retirement submitted by the petitioner has already been approved by the Education Department. Such being the position, the request made by the petitioner should be considered. Since the representation was given as early as in 2006 and in view of the efflux of time, I consider it deem and fit to direct the petitioner to submit a fresh representation.

4. The petitioner is given liberty to submit a representation to the third respondent through the fourth respondent. The fourth respondent is directed to forward the representation submitted by the petitioner to the third respondent. In case any such representation is made, the same shall be considered and disposed of by the third respondent, on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ajr

To

- 1 The Secretary
State of Tamilnadu
School Education Department
Fort St. George, Chennai-9.
- 2 The Director
Directorate of Elementary School Education
DPI Complex,
College Road, Chennai-6.
- 3 The District Elementary Educational Officer
District Primary Education Office
Cuddalore-1.
- 4 The Secretary
Padi Aided Middle School
Veeramudayanatham Village and Post
Chidambaram Taluk
Cuddalore District

- 1 cc to Government Pleader, Sr. 17609
1 cc to Ms.S.P. Arthi , Advocate, Sr. 17277
1 cc to Mr.S.N. Ravichandran, Advocate, Sr. 17543

KK (CO)
kk 7/4

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सत्यमेव जयते

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