

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10751 of 2016
and W.M.P.No.9388 of 2016

R.Murugesan

... Petitioner

Vs.

1. The State of Tamilnadu,
rep.by the Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9,
 2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 6,
 3. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for the relief of issuance of writ of mandamus to direct the respondents to treat the petitioner as voluntarily retired from service on completion of 17 ½ years of service and settle all the benefits for his service from 4.10.1968 to 30.11.1983 as if he retired from service.

For Petitioner : Mr.R.Siungaravelan
for Ms.M.Srividhya

For Respondents: Mr.K.Bhuvaneswari,
Govt.Advocate

ORDER

Mr.R.Singaravelan, learned counsel appearing for the petitioner submitted that the petitioner served B.T.Assistant from 4.10.1998 to 30.11.1983 and resigned from his service with effect from 30.11.1983. A letter was addressed by the Chief Educational Officer, Dharmapuri to the Head Master, Government High School, Kalipettai, where the petitioner has last worked in

respect of resignation of the petitioner. Though the petitioner made several representations in person to the respondents, he was not paid the retirement benefits. He has made a representation in person also and subsequently by registered post on 17.2.2016 requesting the respondents to settle his pensionary benefits. Since the respondents till date have not come forward to consider the same, the petitioner has filed the present writ petition.

2. This Court is not inclined to entertain such a stale and belated prayer sought for by the petitioner. The reason is, when the petitioner himself has mentioned in his affidavit that he submitted his resignation on 30.11.1983, it is not known why and what prevented the petitioner from claiming the retirement benefits, if he was entitled to then and there. Since delay of almost 33 years had occurred, this Court is inclined to hold the petitioner guilty of lapses and accordingly holding so the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Secretariat,
State of Tamilnadu,
Chennai - 9,
2. The Director of School Education,
College Road,
Nungambakkam,
Chennai - 6,
3. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

+1cc to the Government Pleader Sr.18341

W.P.No.10751 of 2016

sai (CO)
srg (07/04/2016)