

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.25515 of 2016
and W.M.P.No.21875 of 2016

V.Jeganathan

.. Petitioner

Vs.

1. The District Elementary Educational Officer
Office of the District Elementary Education
Namakkal.
2. The Assistant Elementary Educational Officer
Assistant Elementary Educational Office
Paramathi
Namakkal District.
3. The Secretary
Sri Ram Aided Primary School
Vasanthapuram
Paramathi Velur
Namakkal District-637 206.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the 1st respondent to approve the proposal sent by the 3rd respondent, dated 15.09.2015, within the stipulated time as that may be fixed by this Court and consequently, to direct the 2nd respondent to forward all the service related particulars to the appropriate authorities for grant of pension, retiral and all other attendant monetary benefits to the petitioner.

For Petitioner : Mr.N.Umapathi

For Respondents: Mr.A.Kumar

Special Government Pleader

ORDER

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the 1st respondent to approve the proposal sent by the 3rd respondent, dated 15.09.2015, within a time frame and consequently, to direct the 2nd respondent to forward all the service related

particulars to the appropriate authorities for grant of pension, retiral and all other attendant monetary benefits to the petitioner.

3. The petitioner joined in the service as Secondary Grade Teacher under the 3rd respondent School. Subsequently, he was promoted as Headmaster. While, he was working as Headmaster, he was suspended from service, by order dated 03.08.2012, alleging misappropriation of funds. The petitioner was issued with a charge memo, on 04.08.2012. For which, the petitioner has submitted his explanation. Subsequently, the suspension order was revoked. Thereafter, the petitioner has joined in service on 11.02.2013. The 3rd respondent, by order dated 29.01.2015, passed an order, exonerating the petitioner from all the charges. On attaining the age of superannuation, the petitioner was relieved from service, on 30.04.2015. The 3rd respondent has sent a proposal to the respondents 1 and 2 on 15.09.2015, to grant approval to pay the retirement benefits to the petitioner. The petitioner made a representation to the respondents 1 and 2, on 20.06.2016, seeking to settle all the retirement benefits, but, there was no response. Hence, the present Writ Petition has been filed seeking the relief stated supra.

4. Mr.N.Umapathi, the learned counsel for the petitioner would submit that though the prayer in the Writ Petition is for a larger relief, the petitioner would be satisfied, if the respondents 1 and 2 are directed to consider the representation of the petitioner, dated 20.06.2016, and to pass appropriate orders, within a time frame.

5. Mr.A.Kumar, the learned Special Government Pleader, who took notice on behalf of the respondents, has got no serious objection in directing the respondents 1 and 2 to consider the representation of the petitioner, dated 20.06.2016 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the respondents 1 and 2 to consider the representation of the petitioner, dated 20.06.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently,

connected Miscellaneous Petition is closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Elementary Educational Officer
Office of the District Elementary Education
Namakkal.

2. The Assistant Elementary Educational Officer
Assistant Elementary Educational Office
Paramathi
Namakkal District.

3. The Secretary
Sri Ram Aided Primary School
Vasanthapuram
Paramathi Velur
Namakkal District-637 206.

+1 cc to Govt.Pleader,sr.41951

+1 cc to Mr.N.Umapathi, advocate,sr.42034.

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W.P.No.25515 of 2016

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