

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.05.2016

CORAM

THE HONOURABLE MR. JUSTICE M.V.MURALIDARAN
AND
THE HONOURABLE MR. JUSTICE B.GOKULDAS

W.A.No.660 of 2016
and
C.M.P.No.8534 of 2016

R.Murugesan

..Appellant/Petitioner

-Versus-

1.The State of Tamil Nadu 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

Writ Appeal filed under Clause 15 of the Letters Patent to
set aside the order passed by this Court in W.P.No.10751 of 2016
dated 22.03.2016.

WP.NO.10751/16:- Petition filed under Article 226 of the
Constitution of India, seeking for the relief of issuance of
Writ of Mandamus to directing the respondents to treat the
petitioner as voluntarily retired from service on completion of
17 1/2 years of service and settle all the benefits for his
service from 4.10.68 to 30.11.83 as if he retired from service.

For Appellant : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya
For Respondents: Mr.P.Sanjay Gandhi
Addl. Government Pleader

ORDER

[Order of the Court was made by M.V.MURALIDARAN, J.,]

This Writ Appeal has been filed against the order passed by this Court in W.P.No.10751 of 2016 dated 22.03.2016.

2. It is the case of the appellant/writ petitioner that he was employed as a B.T. Assistant teacher for more than 17 years, and due to his illness, he tendered his resignation. Thereafter, he made several representations to the respondents to release his service benefits. Since the respondents did not consider his representations, the appellant/writ petitioner approached this Court by way of filing W.P.No.10571 of 2016, with a prayer to treat that he has voluntarily retired from service on completion of 17-1/2 years and to settle all the benefits for his service from 04.10.1968 to 30.11.1983 as if he retired from service.

3. When this appeal was taken up for hearing, learned Additional Government Pleader appearing for the respondents submitted that by order dated 22.03.2016, the learned single Judge of this Court has dismissed the writ petition on the ground of laches, inasmuch as the appellant/writ petitioner, having resigned from service on 30.11.1983 ought not to have acquiesced over his right for a long period of 33 years, if he had been actually entitled to claim his service benefits.

4. It is seen that the appellant/writ petitioner had voluntarily opted to retire from service on 30.11.1983, but thereafter, the respondents have not come forward to pay the service benefits to him. In this regard, several representations were sent by the petitioner on 02.09.1986, 14.03.1996, 13.10.2010, 22.08.2013 and finally on 17.02.2016, but none of the representations was considered by the respondents.

5. Under such circumstances, we are inclined to pass an order directing the respondents to consider the representation of the appellant/writ petitioner dated 17.02.2016 seeking payment of service benefits, and pass appropriate orders as per law within a period of eight weeks from the date of receipt of a copy of this order.

With the above observation, the Writ Appeal is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

gms

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.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.

+ 1 cc to Ms.M.Srividhya, Advocate Sr 28878

KR/23/6/16

W.A.No.660 of 2016

सत्यमेव जयते
WEB COPY