

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2016

CORAM

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

W.P. No.30691 of 2016

T.Ramalingam

... Petitioner

Vs.

1. The Director,
Elementary Education Department,
College Road, Nungambakkam,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Cuddalore,
Cuddalore District - 607 001.
3. The Assistant Elementary Educational Officer,
Neiveli,
Cuddalore District.
4. Mr. Shanmugam,
Secretary,
Aided Elementary School,
Mannadikuppam, Neiveli Range,
Panrutti Taluk,
Cuddalore District - 607 805.

... Respondents

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to consider and dispose the representation of the petitioner dated 06.05.2016 by settling retirement dues and other attendant benefits to the petitioner.

For Petitioner : Mr.S.Sairaman

For Respondents : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

This Writ Petition has been filed to direct to the second respondent consider the representation of the petitioner dated 06.05.2016 by settling retirement dues and other attendant benefits to the petitioner.

2. The petitioner worked as a Headmaster in the fourth respondent's school. The petitioner attained the age of superannuation on 30.11.2015. But the fourth respondent has not served any retirement order and it is the bounden duty on the part of the fourth respondent to forward necessary papers to the second respondent for payment of gratuity and other attendant benefits including pension. Therefore, the petitioner sent a representation to the second respondent to settle retirement dues to the petitioner. But till date, the representation of the petitioner has not been considered and hence, the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that even though the petitioner has been superannuated on 30.11.2015, the fourth respondent has not given any written order relieving him. According to the petitioner, he has got unblemished service of 36 years and in view of the personal enmity between the petitioner and the fourth respondent, his terminal benefits have been withheld. It has not even been processed. Therefore, the petitioner gave representation to the second respondent to settle terminal benefits to the petitioner. Hence, he seeks a limited prayer to direct the second respondent to consider his representation and pass appropriate orders as expeditiously as possible.

4. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3.

5. Considering the submissions made on either side, this Court, without going into the merits of the claim made by the petitioner, directs the second respondent, to consider the representation of the petitioner dated 06.05.2015, after giving appropriate notice and getting explanation from the fourth respondent, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three 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.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The Director,
Elementary Education Department,
College Road, Nungambakkam,
Chennai - 600 006.
2. The District Elementary Educational Officer,
Cuddalore,
Cuddalore District - 607 001.
3. The Assistant Elementary Educational Officer,
Neiveli,
Cuddalore District.
4. Mr.Shanmugam,
Secretary,
Aided Elementary School,
Mannadikuppam, Neiveli Range,
Panrutti Taluk,
Cuddalore District - 607 805.

+1cc to Mr.S.Sairaman, Advocate, S.R.No.50423
+1cc to the Government Pleader, S.R.No.50203

W.P. No.30691 of 2016

SKV(CO)
CA(23/09/2016)

WEB COPY