

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33280 of 2016

K.Swamidhas

... Petitioner

-VS-

- 1.The Secretary,
P&AR Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
- 3.The Principal Accountant General (A & E),
Teynampet, Chennai - 600 018.
- 4.The Director of School Education,
College Road, Chennai - 600 006.
- 5.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.
- 7.The Head Master,
T.C.K.Higher Secondary School,
Padandhalamoodu, Kanyakumari District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the third respondent herein to consider the representation of the petitioner dated 06.06.2016 pending before them in the light of the Tamil Nadu Pension Rules 1978 and further direct the respondents herein to pay the pensionary benefits to the petitioner herein with effect from the date of his compulsory retirement on 24.04.2006.

For Petitioner : M/s.P.Mahalakshmi

For Respondent Nos.1, 2, 4 to 6 : Mr.S.Gunasekaran
Additional Government Pleader

For Respondent No.3 : Mr.V.Vijayashankar

O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the third respondent to consider his representation dated 06.06.2016 pending before them in the light of the Tamil Nadu Pension Rules 1978 and further direct the respondents to pay the pensionary benefits to him with effect from the date of his compulsory retirement on 24.04.2006.

2.It is the case of the petitioner that he was appointed as P.G.Assistant (Maths) in T.C.K.Higher Secondary School on 01.10.1980 and was promoted as Headmaster on 13.12.1990. Based on certain allegations, the petitioner was issued with charge memo and show cause notice dated 24.01.2006 by the Management giving three months time to go on compulsory retirement. In view of the same, the petitioner has compulsorily retired on 24.04.2006. According to the petitioner, after the retirement, the third respondent has not released the pensionary benefits. In this regard, the petitioner made several representation and finally, the representation dated 06.06.2016 to the third respondent to release the pensionary benefits. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1, 2, 4 to 6 as well as the learned counsel appearing for the third respondent.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the third respondent to consider the representation of the petitioner dated 06.06.2016 seeking to release the pensionary benefits in the light of the Tamil Nadu Pension Rules 1978 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks 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 claim projected by the petitioner and it is for the third respondent to consider

the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sri

To

- 1.The Secretary,
P&AR Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
- 2.The Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
- 3.The Principal Accountant General (A & E),
Teynampet, Chennai - 600 018.
- 4.The Director of School Education,
College Road, Chennai - 600 006.
- 5.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 6.The District Educational Officer,
Kuzhithurai, Kanyakumari District.

- 1 cc to Mr.V.Vijayashankar, Advocate, Sr. 55083
1 cc to M/s.P. Mahalakshmi, Advocate, Sr. 54642
1 cc to Government Pleader, SR. 55409

WEB COPY

W.P.No.33280 of 2016

NM (CO)
kk 25/10