

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33302 of 2016

K.Mohammed Basheer

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Nungambakkam,
Chennai-06.

2.The District Elementary Educational Officer,
Perambalur District,
Ariyalur.

3.The Assistant Elementary Educational Officer,
Perambalur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 22.04.2015 and to settle the pensionary benefits.

For Petitioner : Mr.S.Sivakumar

For respondents : Mr.S.Gunasekaran, AGP

ORDER

This writ petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 22.04.2015 and to settle the pensionary benefits.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows

The petitioner joined service on 14.07.1958 in the Panchayat Union School, Siruvallur, Perambalur District, as Higher Grade Teacher. While serving as Secondary Grade Teacher, he went on leave on loss of pay from 01.05.1982 to 27.06.1985 and again from 17.08.1985 to 16.08.1989. The same was sanctioned by the 3rd respondent herein, in his proceedings in Na.Ka.No.1651/85, dated 16.10.1985 and Na.Ka.no.1370/87, dated 28.03.1989. On expiry of the leave,

he had sought for posting by a letter dated 17.08.1989; but, the posting was not given to him. Thereafter, the petitioner had applied for voluntary retirement, even to that, there was no response from the respondents. In spite of the petitioners repeated requests and demands, the petitioner was neither taken back for duty nor allowed to retire from service on voluntary basis. The petitioner attained the age of superannuation on 15.10.1996. But, no order has been passed neither allowing him to retire from service nor retaining him in service. Hence, the petitioner made a representation to the 1st respondent on 22.04.2015. Since the said representation was not considered, the petitioner has come forward with the present writ petition.

3. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case, this Court directs the petitioner to give fresh representation to the 2nd respondent with regard to his pensionary benefits. On such representation being made, the 2nd respondent is directed to consider the same and pass orders, on merits and in accordance with law, within a period of four weeks thereafter. It is made clear that this Court has not expressed any opinion on the merits of the claim made by the petitioner and it is for the 2nd respondent to consider and pass orders purely on merits and in accordance with law.

With the above directions, the writ petition is disposed of. No costs.

सत्यमेव जयते
sd/-

Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ssv

To

1.The Director of School Education,
College Road,
Nungambakkam, Chennai-06.

2.The District Elementary Educational Officer,
Perambalur District,
Ariyalur.

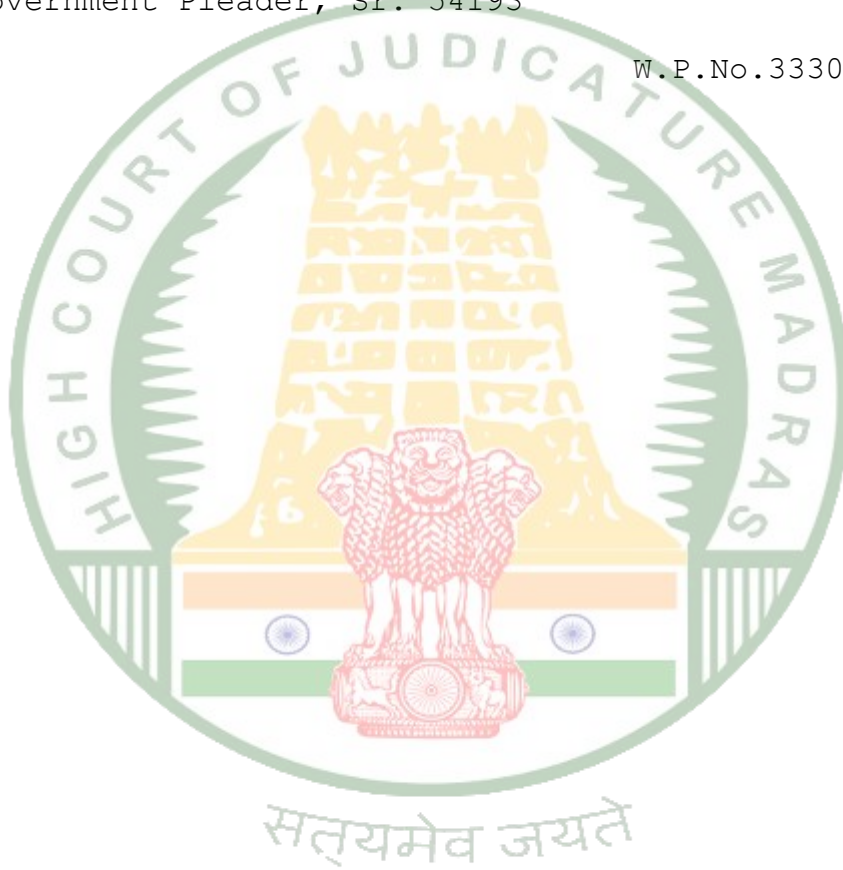
3.The Assistant Elementary Educational Officer,
Perambalur.

1 cc to Mr.S.Sivakumar, Advocate, Sr. 53891

1 cc to Government Pleader, Sr. 54193

W.P.No.33302 of 2016

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