

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.36608 of 2016

V.Vedakan Dhanaraj

... Petitioner

Vs.

1. State of Tamil Nadu,
rep. by its Secretary to Government,
Department of School Education,
Chennai 600 009.
 2. The Director of School Education,
College Road, Chennai 600 006.
 3. The Chief Educational Officer,
Krishnagiri 635 001.
Krishnagiri District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider and pass appropriate orders on the petitioner's representation dated 06.10.2016 to the 3rd respondent requesting for payment of the Provisional Pension, Death cum Retirement Gratuity, PF, SPF closure Proceeds and the proceeds of Earned Leave and Leave on Private Affairs Encashment with 18% interest for the belated payment from 01.08.2015 to the date of actual payment, within a time fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to consider and pass appropriate orders on his representation dated 06.10.2016 to the 3rd respondent requesting payment of Provisional Pension, Death cum Retirement Gratuity, PF, SPF closure Proceeds and the proceeds of Earned Leave and Leave on Private Affairs Encashment with 18% interest for the belated payment from 01.08.2015 to the date of actual payment.

<https://hcservices.ecourts.gov.in/hcservices/>

2. According to the petitioner, he was appointed as a Graduate Teacher by the 2nd respondent on 22.09.1986 and

thereafter, promoted as High School Headmaster on 25.07.2006 by the 2nd respondent. On 11.09.2014, he was promoted as District Educational Officer and was posted at Hosur in Krishnagiri District. In all, the petitioner has put 28 years 8 months and 9 days of active and unblemished service in the School Education Department.

3. It is the further case of the petitioner that he was placed under suspension pending enquiry into certain alleged charges, vide the 2nd respondent's communication, dated 23.03.2015. Thereafter, the 2nd respondent framed five charges against the petitioner vide proceedings in Na.Ka.No. 20355/A1/E1/2015, dated 08.04.2015 and called for explanation from the petitioner. In response, the petitioner submitted his preliminary explanation dated 04.06.2015 and requested the 2nd respondent to furnish certain copies of documents that were directly connected with the alleged charges to enable him submit a complete explanation and also to give a fair and reasonable opportunity to present his case in defence. However, the 2nd respondent did not furnish the copies of documents as requested by the petitioner. While so, an Inquiry was held on 08.07.2015 at Hosur as per the directions of the 2nd respondent and the petitioner submitted a Written Statement along with the filled-in Proforma and list of documents with a request to furnish him the copies of the same.

4. Under the aforesaid circumstances, the 1st respondent permitted the petitioner to retire from service with effect from the afternoon of 31.07.2015 vide G.O.(1D) No.267, School Education (SE1-2) Department, dated 31.07.2015 on condition that the Disciplinary proceedings against him would continue under Rule 9 of the Tamil Nadu Pension Rules, 1978. After his retirement, through representations dated 21.09.2015, 06.10.2015 and 14.10.2015, the petitioner requested the 3rd respondent to send the Provisional Pension Proposal, Gratuity Proposal to the competent authority for sanction and for the closure of his GPF account for making these payments as well as payment of SPF proceeds along with the Provisional Pension and Gratuity. He also requested for encashment of Earned Leave and Leave on Private Affairs encashment proceeds. Finding no response from the respondents, the petitioner has come up with this Writ Petition.

5. Heard the learned counsel on either side. Learned counsel for the petitioner submitted that if the respondents are directed to consider the petitioner's representation, his grievance would be redressed.

6. Considering the facts and circumstances of the case and without going into the merits of the case, the 2nd respondent is directed to consider the petitioner's representation dated 06.10.2016, seeking payment of pensionary benefits due to him 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.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Chennai 600 009.
2. The Director of School Education,
College Road, Chennai 600 006.
3. The Chief Educational Officer,
Krishnagiri 635 001.
Krishnagiri District.

+1cc to Mr.S.Sathia Chandran, Advocate, S.R.No.65937
+1cc to the Government Pleader, S.R.No.66103

W.P.No.36608 of 2016

VGI (CO)
CA(02/12/2016)

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