



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.02.2016

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.3332 of 2016

B.Ravindran

... Petitioner

Vs.

1.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Tallakulam,
Madurai - 625 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take appropriate action on the petitioner's representation, dated 04.01.2016 regarding sanction of pension as per Rule 39 of Tamil Nadu Pension Rules 1978 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.D.Visvalingam

For Respondents : Mr.V.Muruganandham,
Additional Government Pleader

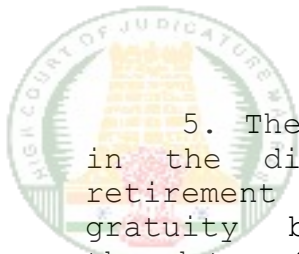
ORDER

Mr.V.Muruganandham, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the respondents to take appropriate action on the petitioner's representation, dated 04.01.2016 regarding sanction of pension as per Rule 39 of Tamil Nadu Pension Rules 1978, within a specified time frame that may be fixed by this Court.

4. The case of the petitioner is that he was working as Superintendent in the office of the Chief Educational Officer, Tallakulam, Madurai. Though his date of superannuation was on 31.12.2010, he was not allowed to retire and placed under suspension and disciplinary proceedings was initiated. Thereafter, a compulsory retirement was ordered by the first respondent. While so, the provisional pension what was paid to the petitioner was stopped from December, 2015.



5. The grievance of the petitioner is that since final orders in the disciplinary proceedings, which resulted in compulsory retirement is passed, the petitioner is entitled to pension and gratuity both at the rate not less than $\frac{2}{3}$ rd of his pension from the date of his compulsory retirement as per Rule 39 of the Tamil Nadu Pension Rules 1978. In this regard, the petitioner has made a representation before the respondents on 04.01.2016, which is not yet been considered by the respondents.

6. Considering the limited scope of the prayer made in the Writ Petition, the respondents are directed to take appropriate action on the petitioner's representation, dated 04.01.2016 by sending his proposal in the light of Rule 39 of the Tamil Nadu Pension Rules, 1978, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/
Assistant Registrar (C.O.Dept) I/C

/True Copy/

Sub Assistant Registrar

pm
To

1.The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Tallakulam,
Madurai - 625 002.

+One CC to M/s.S.Visvalingam, Advocate in Sr.No. 9016
+One CC to the Special Government Pleader Sr.No. 9421

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AM/24.02.2016/NGM.SS/2P/5C