

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24545 of 2017

and

W.M.P.No.25897 of 2017

E.Arunachalam

..Petitioner

vs

1.The Director of Elementary Education,
College Road,
Chennai - 6.

2.The District Elementary Education Officer,
Villupuram District,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to consider the petitioner's representation dated 26.12.2014 and regularize the suspension period from 21.5.2002 to 20.01.2004 and refix pay scales by conferring periodical increments and consequently confer all retirement benefits with interest.

For Petitioner : Mr.R.S.Anandan

For Respondents: Mr.R.S.Selvam

Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the 1st respondent to consider the representation dated 26.12.2014 and regularize the suspension period from 21.05.2002 to 20.01.2004 and refix pay scales by conferring periodical increments and consequently confer all retirement benefits with interest.

2.The learned counsel for the writ petitioner states that the writ petitioner joined as Higher Grade Teacher in Panchayat Union Elementary School in the year, 1967 and promoted to the post of Elementary School Head Master in the year, 1979. Further, he was promoted to the post of Middle School Head Master in the year, 1986 and as Assistant Elementary Education Officer in the year, 1996. With effect from 2004, he was posted

as Middle School Head Master and retired from service on 31.05.2005. On attaining the age of superannuation, though the writ petitioner was allowed to retire from service, his terminal benefits were not settled on account of the fact that he was allowed to retire without prejudice to the disciplinary proceedings initiated against him under the Discipline and Appeal Rules.

3.However, the learned counsel states that the disciplinary proceedings initiated against the writ petitioner was concluded and the order of punishment of cut in pension was imposed on 16.10.2014. Thus, the writ petitioner is entitled for all the terminal benefits due to him. In this regard, the writ petitioner submitted a representation on 26.12.2014 to the 1st respondent and the same is yet to be considered.

4.Without going into the merits of the case, the 1st respondent is directed to consider the representation submitted by the writ petitioner on 26.12.2014 and pass orders on merits in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Director of Elementary Education,
College Road,
Chennai - 6.

2.The District Elementary Education Officer,
Villupuram District,
Villupuram.

+1cc to Mr.R.S.Anandan, Advocate, S.R.No.66345

+1cc to the Government Pleader, S.R.No.66997

W.P.No.24545 of 2017

AP(CO)

GN(27/09/2017)