

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.10.2017

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.27244 of 2017

S.Kolngiyappa

Petitioner

Vs.

1. The Secretary
Govt., of Tamilnadu
Department of School Education,
Secretariat, Fort St. George,
Chennai - 9
 2. The Principal Secretary / Commissioner of
Treasuries and Accounts Department,
Guindy, Chennai - 600 025
 3. The Head Master,
Govt Higher Secondary School,
Sundakudi,
Ariyalur District - 621 701
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents 2 and 3 to allow the petitioner to draw the amount of Rs.4,19,864/- towards the contributory pension scheme (CPS) sanctioned by the 2nd respondent by the order bearing final authorization no.001773CPS/2017 dated 07.07.2017 by considering the petitioner's representation dated 15.07.2017 and implementing the order of the 2nd respondent bearing final authorization no.001773'CPS/2017 dated 07.07.2017.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.E.R.A.Premnath
Government Advocate

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner, had joined the service of the 3rd respondent, as computer instructor, under the administrative panel of the 1st respondent, namely, Secretary to Government, Department of School Education on 09.11.2008. Unfortunately, the petitioner, suffered an order of termination on 24.07.2013, as he failed to qualify the Teachers Recruitment Board Exam. However, he has a contribution of 10% under the Contributory Pension Scheme from 10.11.2008 to 27.07.2013. Therefore, he made an application for disbursement of the contributory pension. An order was passed on 07.07.2017 by the Principal Secretary / Commissioner of Treasuries and Accounts authorising 3rd respondent, viz., the Head Master of Government Higher Secondary School, Sundai to draw a sum of Rs.4,19,864/- by presenting the bill at the Sub Treasury, Ariyalur, but, the same has not been given to the petitioner. At this stage, the petitioner has given a representation on 15.07.2017, since the same has not been considered, the petitioner has come forward with the Writ Petition.

3. The learned Government Advocate appearing for the respondents sought for a week's time to consider the pending representation of the petitioner dated 15.07.2017.

4. Considering the limited relief sought for in the petition and taking note of the submission made on either side, this Court hereby directs the 3rd respondent, namely, the Head Master, Government Higher Secondary School, Sundakudi, Ariyalur District to consider the representation of the petitioner dated 15.07.2017 and pass appropriate orders in terms of the Final Authorization No.001773/CPS/2017 dated 07.07.2017 passed by the 2nd respondent, on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

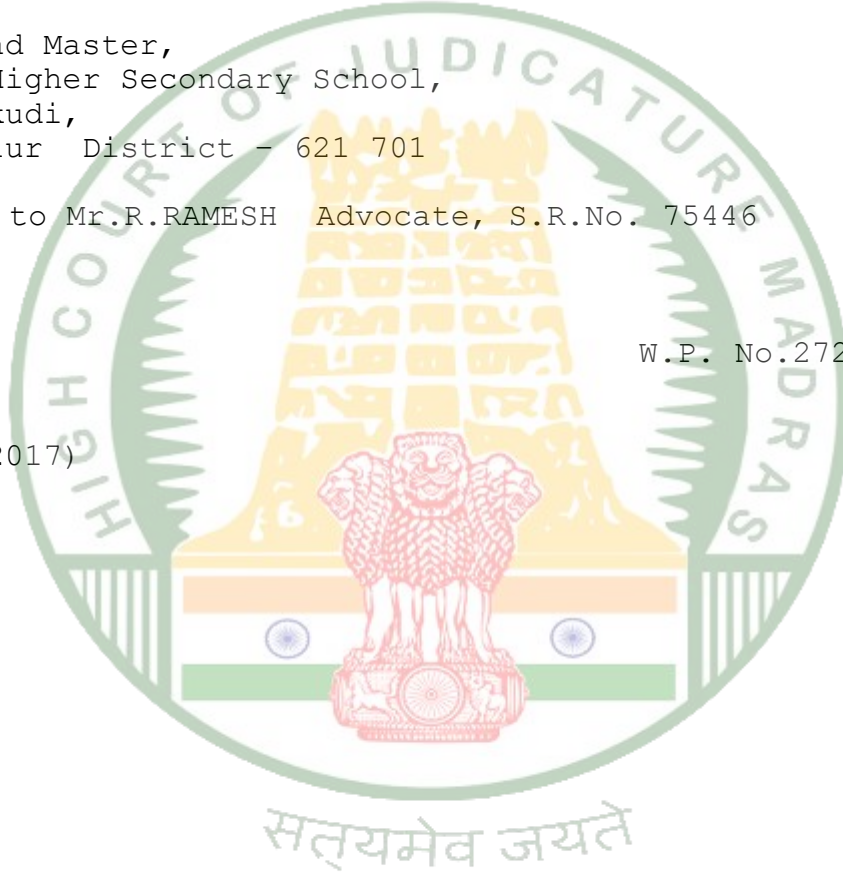
ssd
To

1. The Secretary
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+1cc to Mr.R.RAMESH Advocate, S.R.No. 75446

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SSI (CO)
TR(27/11/2017)



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