

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21526 of 2010

K.Ramachandran .. Petitioner

-vs-

- 1.The Director of Elementary Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.
- 2.The District Elementary Education Officer,
Thiruvallur.
- 3.The Assistant Elementary Education Officer,
Pallipattu,
Thiruvallur District.
- 4.The Commissioner,
Panchayat Union,
Pallipattu,
Thiruvallure District. .. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to pay the retirement and pensionary benefits to the petitioner.

For Petitioner - Mr.S.V.Karthikeyan

For Respondents-1to3 - Mr.A.Rajaperumal,
Additional Government Pleader.

For Respondent-4 - No Appearance.

ORDER

The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner remained unauthorisedly absent by not attending the duty. However, no disciplinary action was initiated against the writ petitioner is the contention raised before this Court.

2. The learned counsel appearing on behalf of the respondent also is not sure about the actions initiated against the writ petitioner. However, the learned counsel states that since no action was initiated against the writ petitioner, he made a representation to the second respondent on 14.8.1997 to settle his terminal and pensionary benefits on account of his retirement.

3. This Court is of the opinion that an employee who is retired from service in the absence of any disciplinary proceedings or otherwise, is entitled for the terminal and retirement benefits. But the facts, in this regard, more specifically, in respect of the disciplinary proceedings are to be verified by the competent authorities before taking any action for settling the monetary benefits.

4. However, without going into the merits of the matter, this Court is of the view that it is suffice if a direction is issued in this regard. Thus, the second respondent is directed to consider the representation submitted by the writ petitioner on 14.8.1997 and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is directed to enclose the copy of the representation along with the order passed in this writ petition.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

- 1.The Director of Elementary Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai.
- 2.The District Elementary Education Officer,
Thiruvallur.

- 3.The Assistant Elementary Education Officer,
Pallipattu,
Thiruvallur District.

- 4.The Commissioner,
Panchayat Union,
Pallipattu,
Thiruvallure District.

+1cc to Mr.S.V.Karthikeyan, Advocate, S.R.No.84579

+1cc to the Government Pleader, S.R.No.85128

WP 21526 of 2010

RRK(12/12/2017)



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