

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2017

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.22413 of 2013

and

M.P.No.2 of 2013

S.Poosala,
Physical Education Teacher (Retd),
Government Higher Secondary School,
Valudhavur,
No.5, VOC Street, 2nd Cross,
Vasantha Nagar,
Villianoor,
Pondicherry.

... Petitioner

Vs

1.State of Tamil Nadu
Rep.by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

3.The Joint Director (Personnel),
School Education,
DPI Campus,
College Road,
Chennai - 600 006.

4.The Chief Education Officer,
Villupuram District.

5.The Accountant General
Officer of the Principal Accountant General,
Nandanam,
Chennai - 600 035.

... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, to direct

the respondents herein to sanction and disburse the pension and all other terminal benefits that the petitioner is entitled to taking into consideration of my date of appointment as 07.03.1985 as per the order of the Tamil Nadu Administrative Tribunal in TA.No.1507 of 1989 dated 22.01.1991 which was duly been implemented by making the correction in the service register of the petitioner with all arrears within a time frame fixed by this court along with interest at the rate of 12% per annum from the date when the pension and other terminal benefits became due.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mrs.K.Bhuvaneswari
Government Advocate for R1 to R4
Mr.V.Vijaya Shankar for R5

ORDER

The writ petition has been filed by the petitioner seeking for issuance of a writ of Mandamus to direct the respondents herein to sanction and disburse the pension and all other terminal benefits with all arrears within a time frame fixed by this court along with interest at the rate of 12% per annum from the date, when the pension and other terminal benefits became due.

2. I heard M/s.Dakshayani Reddy, learned counsel appearing for the petitioner and Mrs.K.Bhuvaneswari, learned Government Advocate for respondents 1 to 4 and Mr.V.Vijaya Shankar, learned counsel appearing for the 5th respondent and perused the materials available on record.

3. In pursuant to the order of the Tribunal in T.A.No.1507 of 1989 dated 22.01.1991, the petitioner was reinstated into service as Physical Education Teacher and entry was made in the service register of the petitioner changing the date of appointment from 04.01.1990 to 07.03.1985. In view of the order of the Tribunal, the petitioner's service has also been regularised with effect from 07.03.1985. So, the petitioner attained the age of superannuation on 01.11.2012 and her services were extended till the end of the academic year and retired from service on 31.05.2013. Though the petitioner made several representations to the respondents seeking salary for the extension period and also other benefits, there is no response from the respondents. Hence, this petition has been filed for the above said prayer.

4. The learned Government Advocate reports that the Chief Educational Officer, Villupuram District by his proceedings in R.C.No.8134/B4/2016, dated 01.08.2017 informed to him that the Director of School Education was also sent a proposal to the Government through Director of School Educations for regulating the petitioner's break in service as continuation of service and the order would be implemented soon on receipt of the Government order. Therefore, he sought for eight weeks time.

5. In view of the above, the writ petition is disposed of with a direction to the second respondent/Director of School Education to sent a proposal to the first respondent/Secretary to Government within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal send by the second respondent, the first respondent is directed to pass suitable orders by regularising the service of the petitioner from ***07.03.1985 and 03.01.1990**, as per the order passed by the Tribunal in T.A.No.1507 of 1989 dated 22.01.1991, within a period of eight weeks thereafter.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

Dated : 14.09.2017

***Corrected as per order of
this Court dated 12.10.2017**

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Joint Director (Personnel),
School Education,
DPI Campus, College Road,
Chennai - 600 006.

To be Substituted to the
order already despatched
on 11.10.2017

4.The Chief Education Officer,
Villupuram District.

5.The Accountant General
Officer of the Principal
Accountant General,
Nandanam,
Chennai - 600 035.

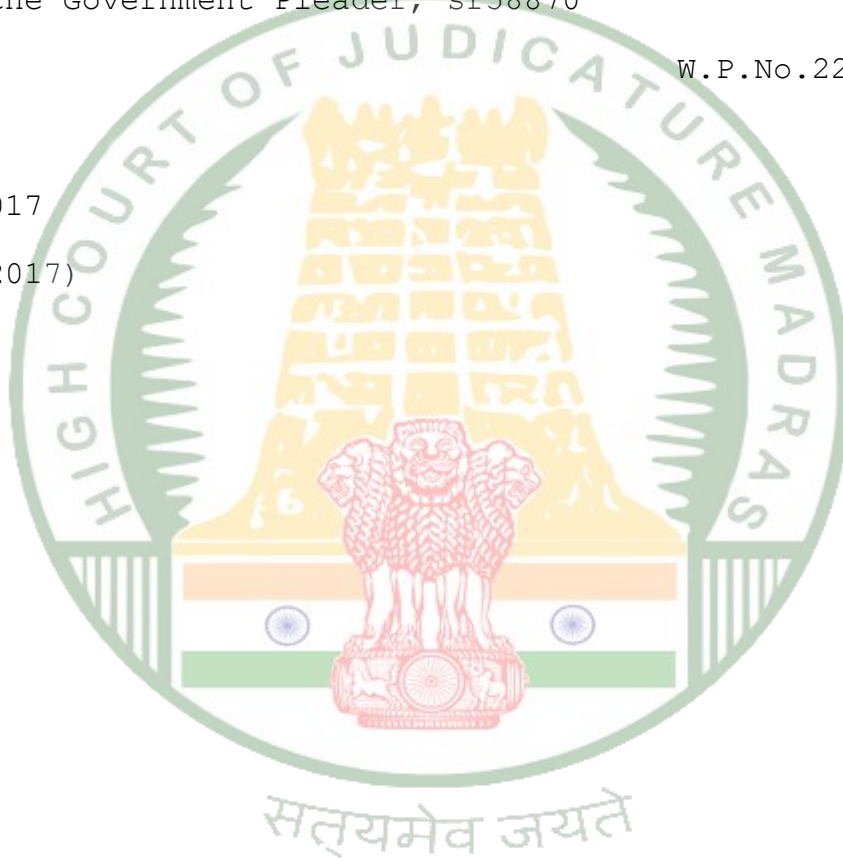
+1 cc to M/s.Dakshayani Reddy Advocate sr **73572**

+1 cc to the Government Pleader, sr58870

W.P.No.22413 of 2013

gp(co)
aa15/09/2017

CA(13.10.2017)



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