

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.32845 of 2013

1.P.S.Manoharan (died)

2.Kala

3.Subakaran

4.Diwakar

(P2 to P4 are impleaded as
per order dated 07.06.2017
by MSNJ in W.M.P.No.28062
of 2016 in W.P.No.32845/13)

.... Petitioners

Vs.

1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
Secretariat, First St.George,
Chennai - 600 009.

2.The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai.

3.The Management of
M/s.CSI Monahan Girls Higher Secondary School,
Royapettah,
Chennai 600 014.

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to pay pension and other terminal benefits such as gratuity and Provident Fund to the petitioner for the service rendered to the 3rd respondent.

For Petitioner : M/s.S.T.Varadarajulu

For Respondents: Mr.R.Govindasamy
Special Government Pleader for R1, R2
M/s.A.Arul Mary for R3

ORDER

The writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus to direct the 1st respondent to pay pension and other terminal benefits such as gratuity and Provident Fund to the petitioner for the service rendered to the 3rd respondent.

2. I Heard the submissions of M/s.S.T.Varadarajulu, learned counsel appearing for the petitioner and Mr.R.Govindasamy, Special Government Pleader for R1, R2 and M/s.A.Arul Mary, for R3.

3. Mr.R.Govindasamy learned Special Government Pleader appearing for the respondents 1&2 represented before this Court that till date there was no proposal sent by the 3rd respondent/School Management.

4. The learned counsel appearing for the petitioner submits that the proposal was already sent by the 3rd respondent but due to some defects it was returned. Thereafter it was not represented by the first respondent.

5. Considering the nature of the case, I am inclined to direct the 3rd respondent/ School Management to send the petitioner's proposal for payment of pension and other terminal benefits such as gratuity and Provident Fund to the petitioner for the service rendered by him to the 3rd respondent.

6. Therefore, the petitioner is hereby directed to submit a fresh representation to the second respondent to consider the proposal sent by the 3rd respondent and on receipt of the representation along with proposal, the second respondent is directed to consider the petitioner's case by giving personal opportunity to the petitioner as well as 3rd respondent and to pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of the representation.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
Secretariat, First St.George,
Chennai - 600 009.

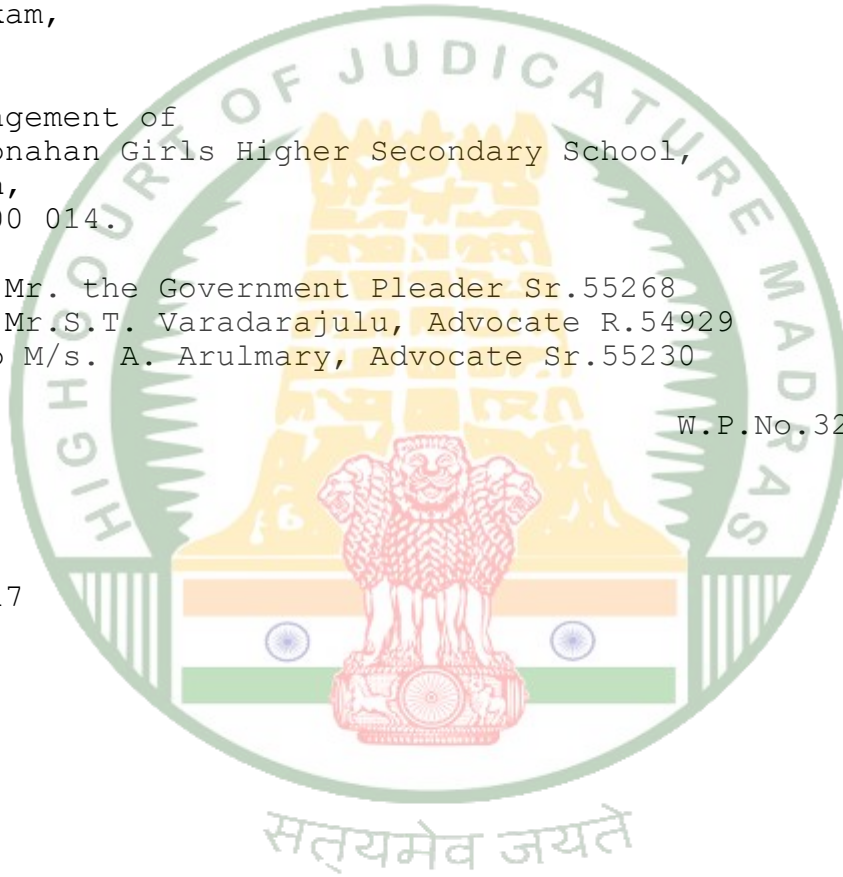
2.The Director of School Education,
DPI Compound,
Nungambakkam,
Chennai.

3.The Management of
M/s.CSI Monahan Girls Higher Secondary School,
Royapettah,
Chennai 600 014.

+ 1 cc to Mr. the Government Pleader Sr.55268
+ 1 cc to Mr.S.T. Varadarajulu, Advocate R.54929
+ 4 ccs to M/s. A. Arulmary, Advocate Sr.55230

W.P.No.32845 of 2013

SS(CO)
EU 23.08.17



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