

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17645 of 2013
and M.P.No.1 of 2013

C.NATARAJAN

[PETITIONER]

Vs

- 1 THE STATE OF TAMILNADU
REP. BY THE SECRETARY TO GOVT.
SCHOOL EDUCATION DEPARTMENT
SECRETARIAT CHENNAI-9
- 2 THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-6
- 3 THE DISTRICT EDUCATIONAL OFFICER
THIRUPATHUR
- 4 THE HINDU HIGHER SECONDARY SCHOOL
REP. BY THE SECRETARY AMBUR
NORTH ARCOT

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the respondent to regularize the service of the petitioner with effect from the date of completion of 10 years of service as per G.O.Ms.NO.133 School Education (V2) Dept. dated 25.7.2007 and pay all the monetary and service benefit.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya

For Respondents : Mr.A.Zakkir Hussain, GA

O R D E R

Heard Mr.R.Singaravelan, learned Senior Counsel for Ms.M.Srividhya, learned counsel for the petitioner and Mr.A.Zakkir Hussain, learned Government Advocate for the respondents.

2. This writ petition is filed to issue a writ of mandamus directing the respondent to regularize the service of the writ petitioner with effect from the date of completion of 10 years of service, as per G.O.Ms.NO.133 School Education (V2) Department dated 25.7.2007 and pay all the monetary and service benefits.

3. The writ petitioner was appointed as Clerk in the School Education Department and was working in the Office of the District Educational Officer, Thiruvallur. He resigned his post, which was accepted by the District Educational Officer on 5th December, 1963. Thereafter, the writ petitioner joined in an aided School, namely, 4th respondent School and was in service as P.G. Assistant from 09.06.1965 to 31.03.1996.

4. The grievance of the writ petitioner is that a resigned employee is not entitled for any pensionary benefit, pursuant to Rule 23 of the Tamil Nadu Pension Rules, prescribing forfeiture of service benefits.

5. Mr.R.Singaravelan, learned Senior Counsel for the writ petitioner represents that in similar circumstances, a case of a Headmaster of a school was considered by the Government and G.O.Ms.No.133, School Education (V2) Department, dated 25th July, 2007 was issued and his entire service was calculated for the purpose of award of pensionary benefits.

6. Therefore, without looking into the merits and demerits of the case on hand, this Court, is inclined to direct the 1st respondent to consider the representations of the petitioner submitted in this regard dated 2nd May 2011, 29th September 2012 and 11th February 2013 in the light of G.O.Ms.No.133, School Education (V2) Department, dated 25.07.2007 and pass appropriate orders within a time frame.

7. At this juncture, learned Senior Counsel appearing for the writ petitioner sought the permission of this Court to submit a fresh representation in this regard within a time frame.

8. In view of the above, liberty is granted to the writ petitioner to submit a fresh representation along with a copy of this order to the 1st respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the 1st respondent is directed to consider the same, in the light of G.O.Ms.No.133, School Education (V2) Department, dated 25.07.2007 and pass appropriate orders, on merits and in accordance with law, within a period of four months thereafter.

9. The writ petition is disposed of accordingly. No costs.
Connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

- 1 THE SECRETARY TO GOVT.
SCHOOL EDUCATION DEPARTMENT
THE STATE OF TAMILNADU
SECRETARIAT CHENNAI-9
- 2 THE DIRECTOR OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-6
- 3 THE DISTRICT EDUCATIONAL OFFICER
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- 4 THE HINDU HIGHER SECONDARY SCHOOL
REP. BY THE SECRETARY AMBUR
NORTH ARCOT.

+1cc to M/s M.Srividhya, Sr.No.36844
+1cc to Government pleader, Sr.No.36947

NR(CO)
NR(22/05/2017)

W.P.No.17645 of 2013

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