

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2018

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.29332 of 2011

N.Dhansingh,
Rtd., Head Master-Primary School,
Adi Dravida and Tribunal Welfare School,
No.23, Bhuvanewari Avenue,
No.230, Vallam Village and Post,
Chengalpattu Taluk,
Kancheepuram District. .. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Adi Dravida and Tribunal Welfare Department,
Fort St. George,
Chennai-600 009.

2.The Accountant General
O/o. Audit and Accountant of India,
Mount Road, Teynampet,
Chennai.

3.The Director,
Adi-Dravida and Tribal Welfare,
Ezhilagam, Chennai-600 005.

4.The Adi-Dravida and Tribal Welfare Officer,
O/o.Adi-Dravida and Tribal Welfare Office,
Kancheepuram.

5.The Special Tahsildar,
Adi Dravidar and Tribunal Welfare,
Chengalpattu, Kancheepuram District.

..Respondents

Petition filed under Article 226 of The Constitution of India praying for issuance of a writ of Mandamus, to dispose of his representation dated 04.07.2011 in the light of the order passed in W.P.No.28655 of 2008 dated 19.02.2010 within a time limit.

For Petitioner .. Mr.S.Raveendran

For Respondents.. Mr.D.Venkatachalam
Addl. Govt. Pleader for R1, 3 to 5
No appearance for R2

ORDER

The petitioner has approached this Court, seeking the following relief:

"To issue Writ of Mandamus to dispose of his representation dated 04.07.2011 in the light of the order passed in W.P.No.28655 of 2008 dated 19.02.2010 within a time limit."

2. The petitioner was recruited as Secondary Grade Assistant Teacher on 13.09.1967 and he retired on attaining the age of superannuation on 31.08.2001, after rendering 34 years of service. The petitioner was aggrieved by the action of the respondents in ordering recovery from his retirement benefits which was payable to the petitioner. The petitioner had also approached this Court in W.P.No. 28655 of 2008. Learned Judge of this Court disposed of the writ petition on 19.02.2010 by granting substantive relief to the petitioner. The operative portion of the order as found in paragraph - 8, is extracted below:

"8. In view of G.O.202 dated 24.09.2008, the impugned order cannot be sustained and accordingly the impugned order is set aside and the writ petition is allowed. It is needless to mention that the petitioner is a retired Head Master, and therefore, the third respondent is directed to consider and refix the petitioner's scale of pay along with special grade pay as on 01.06.1988 and to pay all other consequential monetary benefits expeditiously and the same shall be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order. Consequently, connected M.P. is closed. No costs."

3. In view of the order passed by the learned Judge of this Court in the above said writ petition, the petitioner had approached this Court seeking to dispose of his representation in terms of the aforesaid order.

4. Upon notice, Mr.D.Venkatachalam, the learned Additional Government Pleader entered appearance on behalf of respondents 1, 3 to 5 and he would submit that he has no objection in directing the authorities to dispose of the petitioner's representation dated 04.07.2011, in the light of the aforesaid order.

5. In view of the same, there shall be a direction to the third respondent to dispose of the representation of the petitioner, dated 04.11.2011, in the light of the order passed by this Court in W.P.No.28655 of 2008, dated 19.02.2010, within a period of four weeks from the date of receipt of a copy of this order. The third respondent is also directed to consider all the relevant materials in the circumstances of the case and pass orders on merits and in accordance with law.

6. With the above direction, this Writ Petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

To

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Adi Dravida and Tribunal Welfare Department,
Fort St. George,
Chennai-600 009.

2.The Accountant General
O/o. Audit and Accountant of India,
Mount Road, Teynampet,
Chennai.

3.The Director,
Adi-Dravida and Tribal Welfare,
Ezhilagam, Chennai-600 005.

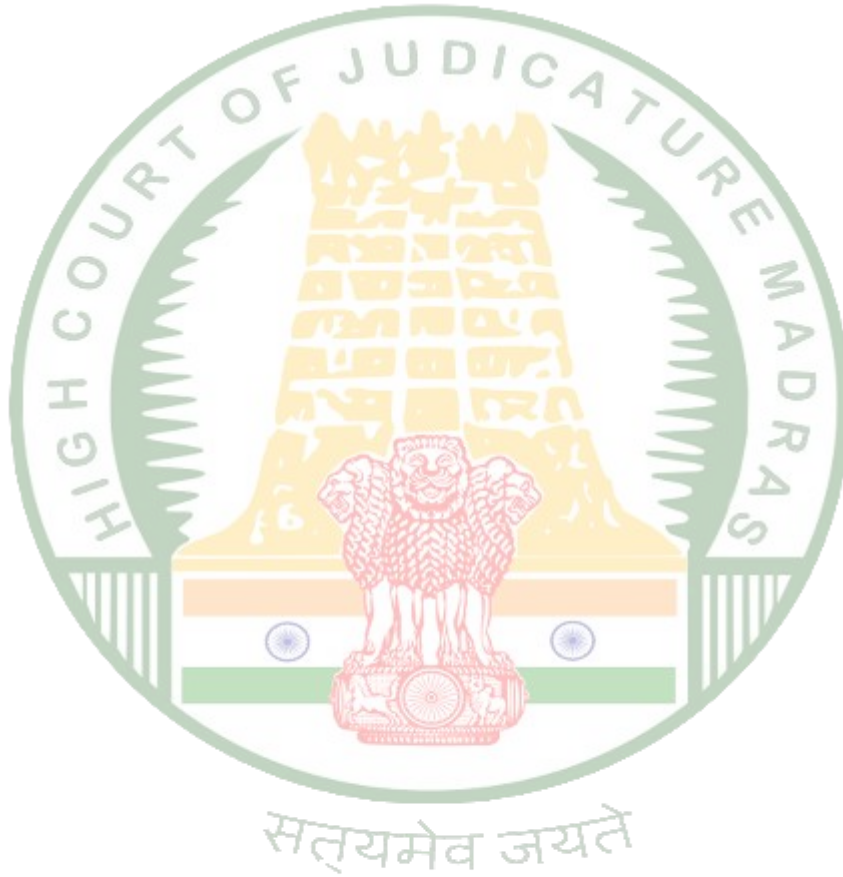
4.The Adi-Dravida and Tribal Welfare Officer,
O/o.Adi-Dravida and Tribal Welfare Office,
Kancheepuram.

5.The Special Tahsildar,
Adi Dravidar and Tribunal Welfare,
Chengalpattu, Kancheepuram District.

+1cc to Mr.S.Rajendran, Advocate SR.No.2280
+1cc to Government Pleader SR.No.3010

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LRS (CO)
GN(14/02/2018)



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