

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.13812 of 2018

Mrs.Padma Satakopan

..Petitioner

Vs.

1. The Commissioner & Secretary to Government of Tamilnadu, Education Department, Fort St. George, Chennai-600 009.
2. The Headmaster, Government Higher Secondary School, Perampattu, Thirupattu, Vellore District, PIN-635 652
3. Mr.K.Sampoorna Sahayam
4. The Director of School Education, DPI, College Road, Nungambakkam, Chennai-600 006.
- 5.The Chief Educational Officer, Collectorate Building, Sathuvachari, Vellore, Pincode-632 009
6. The Office of Accountant General, Teynampet, Chennai-600 016.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to forward the files pertaining to settlement of terminal benefits to the 6th respondent forthwith and consequently direct the 6th respondent to settle the terminal benefits with interest at 12% p.a. Payable to the petitioner within a time period.

For Petitioner : Mrs.Rita Chandrasekar
for M/s.Aiyer and Dolia

For Respondents : Mr.P.Raja (R1, R2, R4 and R5)
Government Advocate

O R D E R

This Writ Petition has been filed seeking direction to the second respondent to forward the files pertaining to settlement of terminal benefits to the sixth respondent forthwith and consequently direct the sixth respondent to settle the terminal benefits with interest at 12% p.a. payable to the petitioner within a time period.

2. Both consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. Heard the learned counsel for the petitioner and Mr.P.Raja, learned Government Advocate who accepts notice on behalf of the respondents 1,2, 4 and 5.

4. It appears that the petitioner was joined as P.G. Teacher- Botany in the Jolarpet Higher Secondary School in the year 1999 and superannuated from service on 31.10.2017. The grievance of the petitioner is that till date his pension and other retiral benefits has not been disbursed to him. It is further stated that the second respondent has not forwarded the pension papers to the sixth respondent, as sought by the sixth respondent. The petitioner made representations to The Secretary, School Education and aslo to the Collector for early processing of his benefits. Since the second respondent has not forwarded the necessary pension papers of the petitioner, the petitioner sent a legal notice to the second respondent on 27.04.2018 to immediately send the pension papers to the sixth respondent. But the same has not been processed. It is submitted that it is well position of law that the pension may be given on the date the person retires with all entitled benefits and if not atleast the provisional pension has to be given. In this case, there is no impediment for the respondents to disburse the retiral benefits of the petitioner. Inspite of representation being made, the respondents have not chosen disburse the same. Hence, he filed the writ petition seeking for the aforesaid relief.

5. Though the prayer made in this Writ Petition is for a larger relief, the learned counsel for the petitioner during the course of hearing, would submit that it would suffice if the

second respondent is directed to forward the necessary papers to the appropriate authorities as well as to the sixth respondent for sanctioning of pension and also other retiral benefits in accordance with law, by treating the legal notice dated 27.04.2018, sent by the petitioner as representation of the petitioner within the limited period.

6.Considering the limited scope of prayer now sought for the petitioner, this Court is of the view that no useful purpose would be served in seeking counter affidavit from the respondents.

7. In view of the same, this Writ Petition is disposed of, with a direction to the second respondent to treat the legal notice of the petitioner dated 27.04.2018 as the representation of the petitioner seeking to forward his pension papers to the appropriate authorities, including the sixth respondent, within a period of four weeks from the date of receipt of a copy of this order if there is no impediment in law. Needless to say that if any delay also occurs, on account of payment of such pension, the petitioner is entitled to the interest for such delayed payment as admissible under law. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner & Secretary to Government of Tamilnadu, Education Department, Fort St. George, Chennai-600 009.
2. The Headmaster, Government Higher Secondary School, Perampattu, Thirupattur, Vellore District, PIN-635 652
3. The Director of School Education, DPI, College Road, Nungambakkam, Chennai-600 006.

4.The Chief Educational Officer,
Collectorate Building, Sathuvachari,
Vellore, Pincode-632 009

5. The Office of Accountant General,
Teynampet, Chennai-600 016.

+1cc to M/S.Aiyar & Dolia, Advocate Sr.35790
+1cc to the Government Pleader 36258

W.P.No.13812 of 2018

srg 13/06/2018



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