



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7921 of 2018

A.Koil Pillai

...Petitioner

Vs.

The District Educational Officer,
District Educational Office,
Ramanathapuram.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the respondent relating to the impugned order dated 15.12.2017 passed in O.Mu.No.3572/A4/2017 and quash the same and consequently, direct the respondent to approve the pension proposal forwarded by the Correspondent of Schwartz Higher Secondary School, Ramanathapuram for sanctioning of pensionary and other retirement benefits of the petitioner.

* Prayer amended vide Court Order dated 20.04.2018 in W.M.P.(MD) No.8236 of 2018.

For Petitioner : Mr.T.R.Jeyapalam

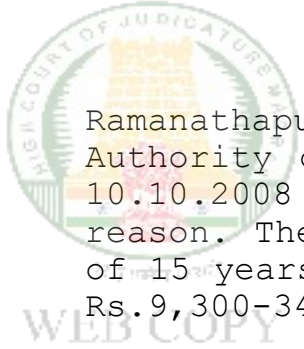
For Respondent : Mr.K.Saravanan,
Government Advocate.

O R D E R

The prayer sought for in the Writ Petition is for a Writ of Certiorarified Mandamus, calling for the records from the respondent relating to the impugned order dated 15.12.2017 passed in O.Mu.No.3572/A4/2017 and quash the same and consequently, direct the respondent to approve the pension proposal forwarded by the Correspondent of Schwartz Higher Secondary School, Ramanathapuram for sanctioning of pensionary and other retirement benefits of the petitioner.

2. Heard Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondent.

3. The petitioner was appointed as Vocational Instructor at a Private School viz., Schwartz Higher Secondary School,



Ramanathapuram on 16.10.1992. His appointment was approved by the Authority concerned. The petitioner was working in the School till 10.10.2008 and after 10.10.2008, he resigned the job due to personal reason. The petitioner, by that time was having a qualified service of 15 years 11 months and 25 days and he was drawing a pay scale of Rs.9,300-34,800 + Grade Pay 4,600.

4. In that capacity, the petitioner has applied for the pensionary benefits and other retirement benefits from the School to the respondent. When the proposal was considered by the respondent, the respondent passed the impugned order dated 15.12.2017, that the School

must forward the relevant Government Order, enabling the petitioner to seek for pension, on the basis of his resignation. Challenging the said order, the present Writ Petition has been filed.

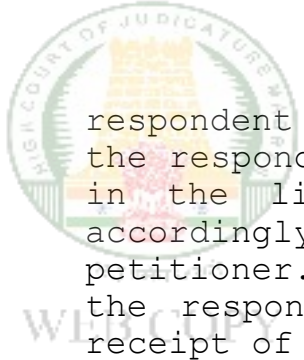
5. I have heard Mr.T.R.Jeyapalam, learned counsel appearing for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondent.

6. The learned counsel appearing for the petitioner would submit that, the reasons cited in the impugned order shall not stand in the legal scrutiny, as the respondent, who is the Governmental Authority, cannot seek a Government Order from a private School, where the petitioner has already worked. Moreover, that cannot be a reason for rejecting the proposal sent by the School, insofar as the claim of the petitioner for getting the pension is concerned.

7. Mr.K.Saravanan, learned Government Advocate appearing for the respondent, would submit that, the request of the petitioner for getting the pension shall be decided on the basis of the Rules, which is in vogue and accordingly, a detailed decision would be taken by the Competent Authority and the same shall be communicated to the petitioner.

8. When that being the position, this Court is of the considered view that, the reason cited in the impugned order, as has been rightly pointed out by the learned counsel for the petitioner, will not sustain. If at all, the respondent wants to decide the request of the petitioner, it shall be decided objectively, by taking into account the relevant Rules, which are in vogue and based on the same, a decision can be taken. Instead, the respondent has directed the School, which is a private school, to provide a copy of the Government Order, enabling the Authorities to take a decision. This kind of unconnected reason cannot be made out as a reason for rejecting the plea raised by the petitioner through the School.

9. Hence, this Court has no hesitation to hold that, the impugned communication shall not be approved under the legal scrutiny and it is liable to be quashed and accordingly, it is quashed. In view of the same, this matter is remitted back to the



respondent for reconsideration. While making such reconsideration, the respondent shall take into account the request of the petitioner in the light of the relevant Rules, which are in force and accordingly, take a decision and communicate the same to the petitioner. The needful as indicated above shall be undertaken by the respondent, within a period of six weeks, from the date of receipt of a copy of this order.

10. With these directions, this Writ Petition is Ordered. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (CS-IV)

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To

The District Educational Officer,
District Educational Office,
Ramanathapuram.

+1cc to Mr.T.R.Jeyapalam, Advocate in SR No.72332
+1cc to The Spl Government Pleader, SR No.72261

W.P.(MD)No.7921 of 2018

NM/RSK/SAR IV/13.11.18/3P/4C.