



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.8761 of 2018

P.Vincent Premkumar

... Petitioner

Vs.

1. The Principal Accountant General(A&E)
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai - 600 108.
2. The Director of School Education Department,
College Road, Chennai.
3. The Chief Educational Officer,
Trichy Educational District,
Trichy.
4. The Headmaster,
Government Higher Secondary School,
Inammathur,
Trichy - 620 009.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent herein to forward necessary proposal with regard to the petitioner's revised pension on the basis of the Government Order in G.O.(Ms) No.313, Finance (Pay Cell) Department, dated 25.10.2017 by considering the petitioner's representation dated 15.02.2018.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.P.Gunasekaran, for R1
Mr.M.Murugan, G.A. For RR2 to 4

O R D E R

The prayer sought for herein is for a writ of Mandamus, directing the 4th respondent herein to forward necessary proposal with regard to the petitioner's revised pension on the basis of the Government Order in G.O.(Ms) No.313, Finance (Pay Cell)



Department, dated 25.10.2017 by considering the petitioner's representation dated 15.02.2018.

2. Heard Mr.J.Lawrance, learned counsel appearing for the petitioner and Mr.P.Gunasekaran, learned standing counsel for the first respondent and Mr.M.Murugan, learned Government Advocate, appearing for the respondents 2 to 4.

3. The learned counsel for the petitioner submits that the petitioner is a retired teacher and he had made a request to the fourth respondent to calculate his past services for the purpose of pensionary benefits and in this regard, he has submitted a representation to the fourth respondent on 15.02.2018 with request to forward the same to the third respondent for appropriate orders. The same has not so far been considered. Therefore, the learned counsel for the petitioner submits that if a direction is given to the respondents in this regard, the petitioner would be satisfied.

4. I have heard the learned standing counsel appearing for the first respondent, who would submit that whether the petitioner would be entitled to claim the past services, where he worked in a matriculation school has already been decided and therefore, the same cannot be once again agitated by the petitioner. He would further state that anyhow the issue first to be decided only by the third respondent and thereafter only, the role of first respondent would come.

5. Considering the said submissions made by both sides and after hearing the learned Government Advocate appearing for the respondents 2 to 4, who would submit that the request of the petitioner be forwarded by the fourth respondent to the third respondent, who shall consider and pass orders thereon, on merits and in accordance with law, within a time frame stipulated by this Court, this writ petition is disposed of at the admission stage, with the consent of both parties, by issuing the following direction:

"The fourth respondent is directed to forward the proposal/representation submitted by the petitioner dated 15.02.2018 to the third respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall consider and pass orders thereon, on merits and in accordance with law, within a period of four weeks thereafter and once the third respondent decides the issue in favour of the petitioner, the same can be forwarded to the first respondent for appropriate



6. With the above direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar(AE)

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/True Copy/

Sub Assistant Registrar

To

1. The Principal Accountant General(A&E)
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai - 600 108.
 2. The Director of School Education Department,
College Road, Chennai.
 3. The Chief Educational Officer,
Trichy Educational District,
Trichy.
 4. The Headmaster,
Government Higher Secondary School,
Inammathur, Trichy - 620 009.
- + 1 cc TO Mr.P.Gunasekaran , Advocate in SR No. 62704
+ 1 cc TO Mr.J.Lawrance , Advocate in SR No. 62557
+ 1 cc TO The Special Government Pleader in SR No. 62780

Arul

AE/KKR/SAR2/16.05.2018/3P/8C

W.P (MD) No.8761 of 2018
20.04.2018