



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2018

C O R A M

THE HONOURABLE Mr.JUSTICE R.SURESHKUMAR

Writ Petition (MD) No.13980 of 2018

Dr.J.Alrich Premkumar

.. Petitioner

Vs.

1. The Chief Educational Officer,
Trichy.

2. The District Educational Officer,
Trichy.

3. The Correspondent,
C.E.Higher Secondary School,
Vannarapet, Puthur,
Trichy.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to make all the entries in the service register of the petitioner relating to the relieving order and settle the monetary benefits i.e. earn leave surrender, medical leave benefits, contributory pension scheme benefits and VII Pay Commission benefits by considering the petitioner representation dated 28.05.2018.

For Petitioner

...

Mr.V.Panneer Selvam

For Respondents
1 & 2

...

Mr.K.Saravanan
Government Advocate

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to make all the entries in the service register of the petitioner relating to the relieving order and settle the monetary benefits i.e. earn leave surrender, medical leave benefits, contributory pension scheme benefits and VII Pay Commission benefits by considering the petitioner representation dated 28.05.2018.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.V.Panneer Selvam, learned counsel appearing for



the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the official respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is hereby dispensed with.

3.The petitioner was working as Physical Education Teacher at the third respondent school from 06.04.2007. After having worked for nearly about 10 years, because of misunderstanding between the petitioner and the third respondent management, the petitioner decided to quit the job and accordingly, he submitted his resignation with effect from 01.03.2017 and the same was also accepted and the petitioner left the job by then. However, certain pay benefits such as encashment of earned leave salary, contributory pension and some other monetary benefits, as per the 7th Pay Commission, had not been disbursed to the petitioner. Therefore, in this regard, the petitioner had given a representation, on 28.05.2018, to all the respondents herein.

4.The learned counsel appearing for the petitioner would submit that pursuant to the said representation of the petitioner, the third respondent school had forwarded the service particulars of the petitioner, after having made endorsement in the Service Register of the petitioner, about the resignation of the petitioner and other service details, to the second respondent and therefore, now the proposal is with the second respondent, who is to consider the same and orders to that effect shall be passed by the second respondent. Therefore, the learned counsel appearing for the petitioner would submit that if a direction to that effect is given to the respondents, especially, the second respondent, to pass orders thereon, on the petitioner's request, which has been forwarded by the third respondent on 12.06.2018, within a time frame, on merits, the petitioner would be satisfied.

5.I have heard Mr.K.Saravanan, learned Government Advocate appearing for the respondents 1 and 2, who would submit that, since the proposal has been forwarded by the third respondent school only on 12.06.2018, the same shall be considered by the second respondent and order to that effect on merits would be passed, within a time frame.

6.Considering the said submissions made by both sides and taking into account the innocuous nature of the prayer sought for by the petitioner, this writ petition is disposed of with the following direction:-

"The second respondent is directed to consider the request of the petitioner for disbursement of certain monetary benefits, such as, Earned Leave salary etc., as



accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

7. With the above directions, the writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Trichy.
2. The District Educational Officer,
Trichy.

+ 1 cc TO Mr.V.Panneer Selvam , Advocate in SR No. 70658
+ 1 cc TO The Special Government Pleader in SR No. 70615

ry2

AE/DS/PN/SAR2/20.07.2018/3P/5C

W.P. (MD) No.13980 of 2018
29.06.2018