



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.14820 of 2011

WEB COPY

A.Joseph

... Petitioner

Vs.

1.The Secretary,
School Education Department,
Secretariat, Chennai.

2.The Accountant General (A & E),
Tamil Nadu,
Chennai - 600 018.

3.The District Educational Officer,
Cheranmahadevi Educational District,
Office at Thirunelveli,
Thirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, direct the 3rd respondent to condone the service short fall of 5 months as per the order passed by the 2nd respondent in Pen 25/1/URG 612/08-09 dated 12.03.2009 and sanction pension and Gratuity with simple interest for the delayed period.

For Petitioner : Mr.T.Murugan
For Respondents 1 to 3 : Mr.R.Sethuraman,
Special Government Pleader
For Respondent 4 : Mr.P.Gunasekaran

ORDER

The learned counsel for the writ petitioner made submissions that the writ petitioner was employed as a Secondary Grade Teacher and retired from service on attaining the age of superannuation on 28.02.2005. However, the writ petitioner served for a period of 9 years 7 months and 2 days. The shortfall period, for the purpose of granting benefit is 5 months. The learned Counsel for the petitioner states that the minimum qualifying service of 10 years for granting of pension had been waived in similar cases by the Government and therefore the case of the writ petitioner also has to be considered.

2.The learned Special Government Pleader appearing for the official respondent made submissions that 3 months can be rounded off as one year for the purpose of reckoning the qualifying service for grant of pension. But beyond the period of 3 months, there is no provision or regulations to round off the period.



3. In the case of the petitioner, he had completed the total year of service of 9 years 7 months and 2 days. The shortfall period of 5 months cannot be condoned and there is no provision. However, this Court is of the opinion that the writ petitioner can approach the Government for the purpose of redressing his remedy.

4. In this regard, the writ petitioner is at liberty to approach the Government by way of a fresh representation within a period of 3 weeks from the date of receipt of a copy of this order. If any such representation is received by the first respondent, the same shall be considered on merits and in accordance with law within a period of 12 weeks therefrom.

5. Accordingly, the writ petition stands disposed of. However, there shall be no orders as to costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
School Education Department,
Secretariat, Chennai.
2. The Accountant General (A & E),
Tamil Nadu,
Chennai - 600 018.
3. The District Educational Officer,
Cheranmahadevi Educational District,
Office at Thirunelveli,
Thirunelveli District.

+1cc to M/S.T.Murugan, Advocate SR.No. 44367
+1cc to M/S.P.Gunasekaran, Advocate SR.No. 44250
+1cc to Special Government Pleader, SR.No. 44337

ORDER MADE IN
W.P (MD) No.14820 of 2011
24.01.2018

dsk
JM/JC/SAR 3/14.02.2018/2P/7C