

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10727 of 2016

M.Mathappan ... Petitioner
Vs.

1. The District Elementary
Education Officer,
Vellore, Vellore District.
2. The Assistant Elementary
Education Officer,
Jolarpet, Tirupattur Taluk,
Vellore District. ... Respondents

* * *

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to dispose of the representation of the petitioner dated 25.01.2016 and 04.02.2016 and the arrears due to the petitioner's promotion and refix the pension in terms of the increased pay.

* * *

For Petitioner : Mr.Haroon Al.Rasheed

For Respondents : Ms.P.Kavitha,
Govt. Advocate

सत्यमेव जयते
O R D E R

This Writ Petition is filed by the petitioner seeking a direction to the respondents to dispose of his representations dated 25.01.2016 and 04.02.2016.

2. The petitioner claimed that while he was working as a teacher, a criminal case was registered against him and he was arrested. Hence, he was placed under suspension, which he challenged before the Tamil Nadu Administrative Tribunal in O.A.No.2128 of 2004. The Tribunal quashed the suspension. However, since the criminal case in S.C.No.328 of 2004 ended in conviction, he was removed from service. He was acquitted by this Court in Crl.A.No.419 of 2005 on

06.04.2011. In the interregnum, he attained the age of superannuation. Since he was not given the terminal benefits, he filed W.P.No.18633 of 2011 seeking a direction to the respondent therein to consider his representation in that regard. This Court disposed of the same on 28.10.2011 directing the respondent to consider his request in accordance with law. After filing of the contempt petition for non-compliance of the order, he was given the terminal benefits. Thereafter, the petitioner submitted representations seeking to give him notional promotion from the date of promotion of his junior and to settle the consequential monetary benefits. Since the same do not yield any response, he is before this Court in this writ petition.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representations dated 25.01.2016 and 04.02.2016, directs the respondents to consider the petitioner's representations and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and also affording him an opportunity of personal hearing, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The District Elementary
Education Officer,
Vellore, Vellore District.

2. The Assistant Elementary
Education Officer,
Jolarpet, Tirupattur Taluk, Vellore District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 17632

+1cc to Mr.T.S.Gopalan , Advocate SR.No. 17339

W.P.No.10727 of 2016

A.SK(29/03/2019)