

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :06.09.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No. 926 of 2019
and
W.M.P.No. 1043 of 2019

A.Selvanathan

..Petitioner

Vs

1. The District Collector,
Chennai District
Singaravelar Maligai Building
Rajaji Salai
Chennai.

2. The District Educational Officer
South Chennai,
D.P.I complex
Chennai - 600 008.

3. The Correspondent
K.K.Nirmala Girls High School
Ashok Nagar, Chennai - 600 083.

4. The Head Master
K.K.Nirmala Girls High School
Ashok Nagar, Chennai - 600 083.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorarified Mandamus, to call for the impugned proceedings of the 2nd respondent in proceeding Na.Ka.No.2733/2017 dated 30.10.2017 and to quash the same and consequently to direct the respondent to pay the retirement benefits and other monetary benefits of the petitioner father.

For Petitioner : Mr.B.Singaravelu
For Respondents : Mr.R.S.Selvam
Government Advocate
for R1
V.Annalakshmi
Government Advocate
for R2.
Mr.P.V.Balasubramanian
for M/s.BFS Legal for R3 & R4

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, to call for the impugned proceedings of the 2nd respondent in proceeding Na.Ka.No.2733/2017 dated 30.10.2017 and to quash the same and consequently to direct the respondents to pay the retirement benefits and other monetary benefits of the petitioner's father.

2. The case of the petitioner is that his father late Abishegam was working as Office Assistant in the 3rd respondent School from 1975 and he was discharging his duties and functions diligently and to utmost satisfaction of the 3rd and 4th respondents herein. His father was issued with a charge sheet on 25.04.1991 as if he created scene inside the school after consuming liquor and used harsh words against the 3rd and 4th respondents herein and a police case was also registered and police officials after conducting the enquiry, requested the 3rd and 4th respondents to initiate disciplinary proceedings.

3. The petitioner's father appeared for the enquiry and final orders have been passed by the authorities by ordering removal from service and the same was challenged by his father in W.P.No. 6420 of 1993 and the Writ petition was also dismissed on 20.10.2010 as the grounds are untenable and his father had approached a counsel for filing writ appeal and at that point of time his father became sick and he was not able to file the writ appeal before this Court and his father died on 18.03.2016. After the demise of his father, the petitioner had sent several representations to the respondents herein to pay all the retirement benefits and other allowances. The petitioner also sent a representation dated 30.08.2017 to the respondents herein and the 2nd respondent herein had rejected his request for paying the retirement and other benefits in proceedings Na.Ka.No. 2733/A2/2017 dated 30.10.2017 without application of mind. Being aggrieved against the impugned order of the 2nd respondent dated 30.10.2017, the petitioner is constrained to file this Writ Petition.

4. The learned Government Advocate appearing for the respondents would refute the allegations raised by the petitioner and justified the impugned order.

5. On perusal of the records, it reveals that the petitioner's father worked as Officer in the 3rd respondent Minority Institution and on wrong allegations, he was removed from service in the year 1991 and the dismissal order was confirmed by this Court. Subsequently, his father died in the

year 2016. After his death, the petitioner made a representation for settlement of terminal benefits on 31.08.2017 and the same was forwarded to the 3rd respondent. Thereafter, the 3rd respondent sent a reply stating that the delinquent was dismissed from the service and therefore, he is not entitled to any benefits. Therefore, the said communication was informed by the District Educational Officer to the petitioner, challenging the same present writ petition is filed.

6. This Court is of the opinion that the petitioner's father passed away on 18.03.2016. Subsequently, the petitioner made an application to the 2nd respondent for settlement of retirement benefits. However, the second respondent rejected the petition seeking for settlement of the retirement benefits and also to appoint on the compassionate grounds. Pointing out that the 4th respondent school is a Minority Private Aided school and the School Regulation does not allow the Department to act on its own, had rejected the petitioner's request. This Court does not find any infirmity in the order impugned herein.

7. Considering the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order. Accordingly, the present writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The District Collector,
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Rajaji Salai
Chennai.

2. The District Educational Officer
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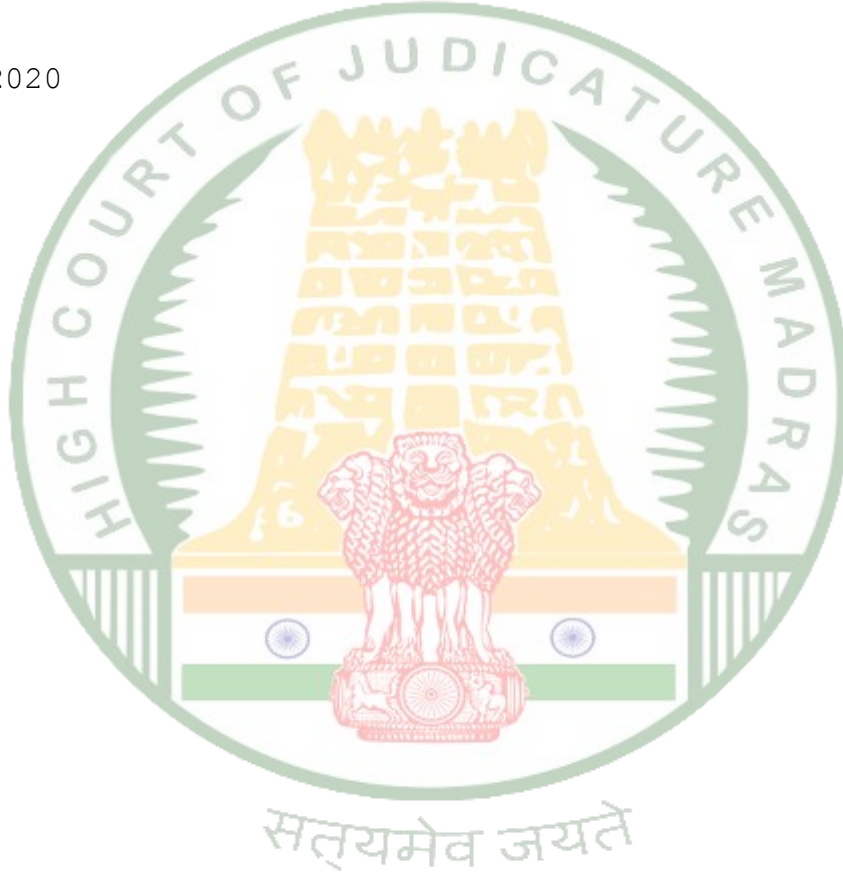
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+lcc to Government Pleader SR.NO. 77776
+lcc to M/s.BFS Legal, Advocate sr.77677

W.P.No. 926 of 2019

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nr 08/01/2020



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