

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3451 of 2018

1.N.Palani,
2.S.Saraswathi,
3.D.Emmanuvel Selvakumar
4.C.Aruna,
5.Girijasekaran,
6.S.Karuppaiah,
7.T.Nalini,
8.M.K.Chandrika,
9.M.Palanisamy,
10.R.MaheswariPetitioners

Vs.

1.The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-600 009.
2.The Director of School Education,
Chennai 600 006.
3.The State Secretary,
Bharath Scouts and Guides of Tamil Nadu,
Kamarajar Salai, Chennai 600 005. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent herein to pass appropriate orders on the proposal and recommendations of the 2nd respondent in Na.Ka.No.734/L5/E5/2010, dated 28.03.2011 and in the light of g.O.Rt.No.38, School Education Department (S.E.5(i)) Department, dated 27.02.2014 in pursuance to the petitioners representation dated 30.10.2017 to grant regular pension and other retirement benefits on par with regular government servants from the date of retirement of the petitioners with arrears arising thereof within a stipulated period of time as prescribed by this Hon'ble Court.

For Petitioner : Mrs.Swathi Subramanian
for Mr.R.Prem Narayan

For Respondents : Mr.C.Munuswamy
Special Government Pleader (Education)

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioners are retired employees of Bharat Scouts and Guides of Tamil Nadu, which is an organ of Education Department and functioning a wing under the control of Director of School Education viz., the 2nd respondent herein. The petitioners and other employees were granted salary and other monetary benefits from the grants allotted by Government every year and the petitioners were treated on par with Government servants in respect of monetary and service benefits including retirement benefits. So far pension and retirement benefits are concerned, a separate corpus fund is created and retirement benefits are paid on par with Government servants from the corpus fund. While so, as per Government orders, options were exercised for pension at the verge of the petitioners retirement. Initially two persons namely one N.Gopal, Junior Assistant and one P.Babu, Office Assistant were granted pension, gratuity and commutation and other pension benefits on par with government servants. Those who have retired thereafter viz., the petitioners herein were not granted pension and other pension benefits. However, pursuant to the order of this Court in W.P.No.23739 of 2013 dated 26.08.2013, the 2nd respondent issued proceedings dated 17.02.2015 and 09.10.2015 granting gratuity and commutation of pension with encashment of earned leave respectively on par with Government servants as per Government Orders from the corpus fund. But, till date the petitioners were not paid pension. Therefore, they have made joint representation to respondents 1 and 2 on 30.10.2017. However, the same was not considered till date. Hence, the petitioners have filed the present writ petition.

3.Heard both sides.

4.The learned counsel for the petitioners on instructions would submit that though the petitioners have sought for a larger relief, it would suffice if a direction is issued to the respondents 1 and 2 to consider the representation of the petitioner dated 30.10.2017 seeking regular pension from the date of their retirement and pass orders, within the stipulated time as fixed by this Court.

5.The learned Additional Government Pleader conceded to the submission made by the learned counsel for the petitioner.

6.Thus, without going into the merits of the case, this Court is inclined to direct the respondents 1 and 2 to consider the representation of the petitioners dated 30.10.2017 and pass

orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat,
Chennai-600 009.
2. The Director of School Education,
Chennai 600 006.
3. The State Secretary,
Bharath Scouts and Guides of Tamil Nadu,
Kamarajar Salai,
Chennai 600 005.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.82009
+1cc to the Government Pleader, S.R.No. 82286

W.P.Nos.3451 of 2018

VG I(CO)
GN(08/11/2019)

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