

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

Writ Appeal No. 2169 of 2018

&

C.M.P.No. 16803 of 2018

1. The State of Tamilnadu,
rep. by its Secretary,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Pension,
DMS Compound,
Teynampet,
Chennai - 600 018.
3. The Chief Educational Officer,
Dharmapuri District. ...Appellants/Respondents

Vs.

N. Kuppusamy ...Respondent/Petitioner

Prayer: Writ Appeal as against the order dated 05.06.2015 passed in W.P. No. 10592 of 2015. Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus directing the 1st respondent to consider the petitioners representation dated 6.6.2012 in view of G.O.Ms.No.19 School Education (S1(1) Department dated 6.2.2001 and sanction the 4 regular pension and other retired benefits with 6% interests per annum

For Appellants :: Mr.C. Munusamy
Special Government Pleader

For Respondent :: No Appearance

J U D G M E N T

(Judgment of the Court was delivered by K.K. SASIDHARAN,J.)

The writ petition filed by the respondent for a direction to the State to pay him regular pension and other retirements benefits taking into account the Government Order in G.O.Ms. No. 19 School Education (S1(1) Department dated 06.02.2001 was allowed by the learned Single Judge and a Mandamus was issued to consider the representation. Feeling aggeived, the appellants have come up with this intra-court appeal.

2. We have heard the learned Special Government Pleader on behalf of the appellants. None appears on behalf of the learned counsel for the respondent in spite of printing his name in the cause list.

3. The respondent, after serving as Physical Education Teacher in the Government High School, Pappireddipatty, Dharmapuri District, resigned from service. He had put in 12 years of service before submitting the resignation. After such resignation, the respondent submitted a representation dated 06.06.2012 to extend the benefit of G.O.Ms. No. 19 School Education (S1(1) Department dated 06.02.2001 and to pay him pension.

4. The learned Single Judge directed the appellants to consider the representation in the light of the Government Order in G.O.Ms. No. 19 School Education (S1(1) Department dated 06.02.2001 and certain judgments rendered by this Court.

5. There was no positive direction issued by the learned Single Judge to grant pension to the respondent. The direction was to consider his representation in the light of G.O.Ms. No. 19 School Education (S1(1) Department dated 06.02.2001 and certain judgments rendered by this Court. It is for the appellants to consider the representation of the respondent on merits. In case, the appellants are of the view that the Government Order in G.O.Ms. NO. 19 School Education (S1(1) Department dated 06.02.2001 or the judgments referred to in the order passed by the learned Single Judge are not applicable to the facts of the case, it is always open to them to pass appropriate orders and communicate it to the respondent.

6. The order shall be passed on or before 31st May, 2019.

7. The intra court appeal is disposed of with the above clarification with regard to the direction given by the learned Single Judge. No costs. Connected C.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

nv

To

1. The Secretary,
The State of Tamilnadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Pension,
DMS Compound,
Teynampet,
Chennai - 600 018.
3. The Chief Educational Officer,
Dharmapuri District.

+1cc to Government Pleader SR.No.25103

W.A. No. 2169 of 2018

SR(CO)
GMY(12/04/2019)

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