

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.15382 of 2018

P.Velmurugan
S/o. Palanivelu
(Former Junior Assistant)
Pachaiyappa's College for Men
Kanchipuram 631 503. .. Petitioner

Vs.

The Director of Collegiate Education
Chennai 600 006. ... Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to sanction minimum pension along with interest from 01.08.1985 to the petitioner in obedience of the orders of this Court passed in W.P.No.35038 of 2016 dated 07.09.2017 and that of the representation of the petitioner dated 10.05.2018 with eligible interest.

For Petitioner : M/s.A.R.Nixon

For Respondents : Mr.V.Kathirvelu
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to sanction minimum pension, along with interest, from 02.08.1985 to the petitioner in obedience of the order of this Court passed in W.P.No.35038 of 2016 dated 07.09.2017, directing the respondents to consider the representation on merits and in accordance with law.

2. Pursuant to the order dated 07.09.2017, the writ petitioner submitted a representation on 10.05.2018. The grievance of the writ petitioner is that the respondent has not passed any order so far. Further, the claim of the writ petitioner for grant of pension was also not considered.

3. The learned Special Government Pleader appearing on behalf of the respondent produced documents relating to the case of the writ petitioner.

4. The writ petitioner joined as an Attender on 03.05.1971 in Pachaiyappa's College for Men at Kancheepuram and worked up to 31.07.1971. Thereafter, he was promoted as Lower Division Clerk with effect from 14.07.1972, and post was subsequently re-designated as Junior Assistant by the Government. The writ petitioner had applied for leave on loss of pay with effect from 01.08.1983 for a period of two years. Accordingly, he was relieved from the post on the same day, by the competent authorities. However, the petitioner had not reported to the duty in the College till he attained the age of retirement on 31.01.2006.

5. The writ petitioner had not submitted any reason before the authority, nor pursued his remedy before the competent authorities for the past 23 years. The relieving order dated 01.08.1983 signed by the Principal of the College is also produced before this Court. The writ petitioner has not joined the college for more than 23 years and even on the date of retirement, he had not approached the competent authorities. Now, after a lapse of 18 years from the date of Superannuation, he has filed the present writ petition seeking pension. The claim of pension is not only belated, but absolutely misconceived and the writ petitioner had not established even a semblance of legal right, for the purpose of consideration for grant of pension. In view of the fact that the writ petitioner has not established any legal right, writ petition cannot be entertained.

6. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Kmm

To

The Director of Collegiate Education,
Chennai 600 006.

+lcc to M/S.A.R.Nixon, Advocate Sr.16571

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srg 28/03/2019