

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18717 of 2019

M.S.Sivakumar

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary to Government,
Department of School Education,
Fort. St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Joint Director of School Education,
(Secondary Education),
College Road, Chennai - 600 006.
4. The Chief Educational Officer,
Egmore, Chennai - 600 008.
5. The District Educational Officer,
(Chennai - West),
College Road, Chennai - 600 006.
6. The Accountant General,
AG's Office,
Teynampet, Chennai - 600 018.
7. Sir M.Ct.Muthaih Chettiar Boys
Higher Secondary School,
No.23, Raja Annamalai Road,
Purasawalkam,
Chennai - 600 084,
Rep. By the Secretary of School Committee
8. Mr. Tarun Ghai
The Secretary of School Committee,
Sir M.Ct.Muthaiah Chettiar Boys Higher
Secondary School,
No.23, Raja Annamalai Road,
Purasawalkam, Chennai - 600 084.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the impugned proceedings of the 8th respondent letter dated 31.05.2019 quash the same in so far as it states that the petitioner's retirement is subject to the result of disciplinary proceedings and C.C.No.693 of 2017 on the file of CMM Court, Egmore and direct the respondents to pay the petitioner's retirement benefits and pension and also pay a sum of Rs.72,316/- towards amount due towards 30 days Earned Leave.

For Petitioner : Mr. Jayasingh D.

For Respondents: Mrs. R.Kavitha
Government Advocate (For Education)
(for R1 to R5)

: Mrs. J.Sree Vidya
Standing Counsel (for R6)

: Mr.T.Madhusudan Reddy (for R7 & R8)

O R D E R

This petition has been filed by the petitioner, seeking for the issuance of Writ of Certiorarified Mandamus to call for the impugned proceedings of the 8th respondent letter dated 31.05.2019 and quash the same insofar as it states that the petitioner's retirement is subject to the result of disciplinary proceedings and C.C.No.693 of 2017 on the file of Chief Metropolitan Magistrate Court, Egmore and direct the respondents to pay the petitioner's retirement benefits and pension and also pay a sum of Rs.72,316/- towards amount due for 30 days Earned Leave.

2. The case of the petitioner is that he joined in service as a Secondary Grade Teacher on 09.08.1993 in 7th respondent school as B.T.Asst. (Maths) with regular scale of pay with effect from 01.06.2006. During 2018, an order was passed by this Court in W.P.No.7949 of 2011 regularizing the petitioner's service with effect from 01.06.1994 with all benefits. Thereafter, the petitioner sent a letter to the respondents to implement the orders in W.P.No.7949 of 2011 dated 08.03.2018. The eighth respondent has sent the impugned letter dated 31.05.2019 permitting the petitioner to retire from service on attaining age of superannuation without prejudice to the right of the School Committee. Challenging, the said letter dated 31.05.2019, the present writ petition is filed.

3. Learned counsel for the petitioner would submit that even though the petitioner filed this writ petition challenging the impugned order dated 31.05.2019, wherein, the school committee allowed the petitioner to retire from service without releasing any service benefits, however, it would suffice to issue direction to the respondents to pay Provident Fund, Earned Leave, Unearned leave and other admissible benefits. It is stated that a proposal dated 24.04.2019 has been sent to 5th respondent by 7th respondent.

4. Considering the facts and circumstances, and the submissions made by the learned counsel for the petitioner, this Court, without going into the merits of the claim of the petitioner, directs the fifth respondent to pass orders on the proposal sent by the seventh respondent on 24.04.2019 within a period of 12 weeks from the date of receipt of a copy of this order. It is needless to say that even the disciplinary proceedings are pending, the petitioner is entitled to get provident fund, earned leave and unearned leave.

5. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Insp cell)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Department of School Education,
Fort. St. George, Chennai - 600 009.
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College Road, Chennai - 600 006.
3. The Joint Director of School Education,
(Secondary Education),
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5. The District Educational Officer,
(Chennai - West),
College Road, Chennai - 600 006.

6. The Accountant General,
AG's Office,
Teynampet, Chennai - 600 018.

+1cc to Mr.T.Madhu Sudhana Reddy, Advocate SR.89105
+1cc to Mr.D.Jayasingh, Advocate SR.88418
+1cc to the Government Pleader SR.89192

W.P.No.18717 of 2019

SJ(CO)
CB(02/12/2019)



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