

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19163 of 2019
And
W.M.P.No.26244 of 2019

S.Paul Asir

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
 - 2.The Directorate of School Education,
Rep. by its Director,
DPI Building, College Road,
Chennai - 600 006.
 - 3.The District Educational Officer,
Central Chennai, Saidapet,
Chennai - 600 015.
 - 4.The Chief Educational Officer,
Presidency Girls' Higher Secondary School Campus,
Egmore, Chennai - 600 008.
 - 5.The Pay and Account Officer (East)
Office Pay and Account, Egmore,
Chennai - 600 008.
 - 6.The Account General (A & E)
Office of Accountant General (A & E)
361, Anna Salai,
Chennai 600 018.
 - 7.The Correspondent,
CSI St.Ebba's Higher Secondary School,
(Aided Christian Minority Institution)
Mylapore, Chennai - 600 004.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to immediately disburse of the terminal benefits such as retirement fund, pensionary, incentives and other service

benefits to the petitioner on par with other BT Assistant (History) teachers based on the petitioner's representation dated 08.06.2019.

For Petitioner : Mr.M.Suresh

For Respondents : Ms.P.Kavitha for R1 to R4
Government Advocate
Mr.S.Balaji for R6
SR.A.Arul Mary for R7
for M/s.Father Xavier Associates

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to immediately disburse the terminal benefits such as retirement fund, pensionary, incentives and other service benefits to the petitioner on par with other BT Assistant (History) Teachers based on the petitioner's representation dated 08.06.2019.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that the petitioner was initially appointed as full time night Watchman on 16.09.1992 by the CSI - Aided Christian Minority Institution and was promoted as BT Assistant (History) on 09.10.2018 and was posted in the seventh respondent School. Whileso, on 01.04.2019, the petitioner's name was removed from the attendance register. The petitioner in this regard made representation to the respondents 1 to 6 on 10.04.2019 and copy of the same was sent to the seventh respondent. Upon receiving the same, the seventh respondent issued charge memo to the petitioner on 10.04.2019. The petitioner retired from service on 31.05.2019 on reaching the age of superannuation, however, his retirement benefits were not yet settled. The petitioner in this regard made representation to the respondents on 08.06.2019 and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioner would submit that it would suffice, if this Court issues direction to the respondents to settle the terminal benefits due to the petitioner.

5.The learned counsel appearing for the seventh respondent would submit that proposal for eligible terminal benefits will be forwarded to the Educational Authorities within a period of two weeks from the date of receipt of a copy of this order and thereafter, the Educational Authorities have to pass orders and

would further submit that this Court may fix outer time limit for the Educational Authorities to pass orders.

6.The learned Government Advocate appearing for the respondents 1 to 4 would submit that after receipt of the proposal from the seventh respondent, the Educational Authorities will pass appropriate orders for settling the eligible terminal benefits due to the petitioner, within a period of eight weeks from the date of receipt of the proposal.

7.In view of the above, the seventh respondent is directed to send necessary proposal for eligible terminal benefits to the third respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent has to pass appropriate orders within a period of eight weeks from the date of receipt of the proposal.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

// True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary, Government of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai - 600 009.
- 2.The Director, Directorate of School Education,
DPI Building, College Road,
Chennai - 600 006.
- 3.The District Educational Officer,
Central Chennai, Saidapet,
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- 4.The Chief Educational Officer,
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5.The Pay and Account Officer (East)
Office Pay and Account, Egmore,
Chennai - 600 008.

6.The Account General (A & E)
Office of Accountant General (A & E)
361, Anna Salai,
Chennai 600 018.

+1cc to Mr.S.Balaji, Advocate, SR.No.92711.

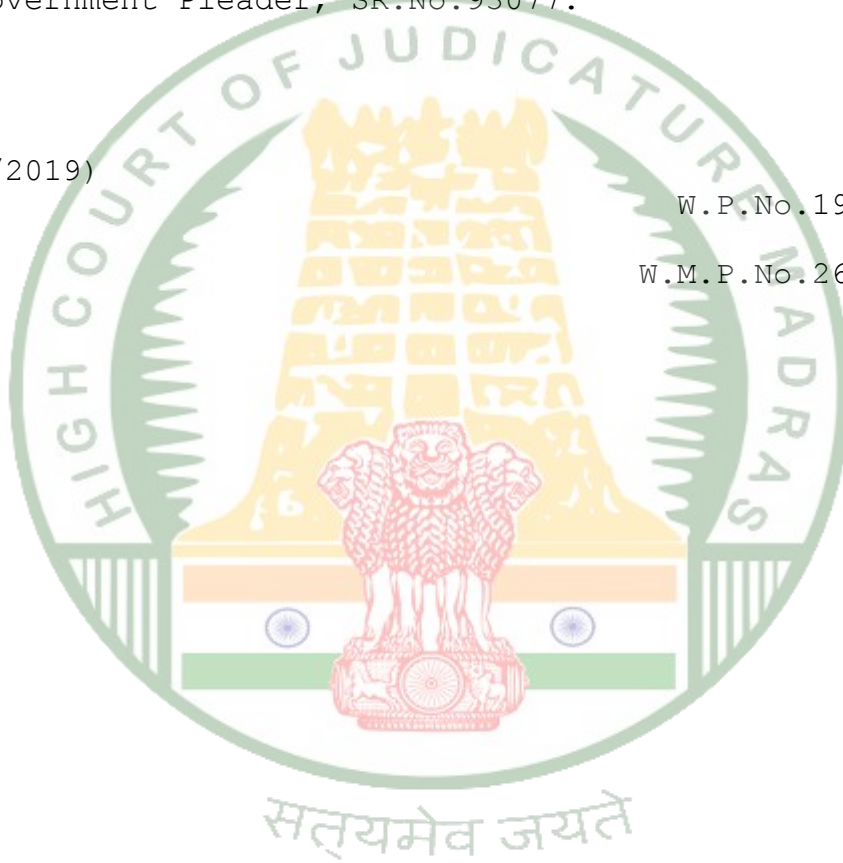
+1cc to M/s.M.Ezhilarasi, Advocate, SR.No.92665.

+1cc to M/s.Father Xavier Associates, Advocate, SR.No.92372.

+1cc to Government Pleader, SR.No.93077.

SV (CO)
CSR(11/12/2019)

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