



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.1253 of 2012

and M.P. (MD) No.1 of 2012

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S.Syed Ghouse

... Appellant

-vs-

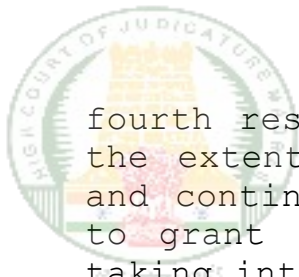
- 1.The Director of School Education,
(Higher Secondary),
College Road,
Chennai - 600 006.
- 2.The Joint Director of School Education,
(Higher Secondary),
College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Parent-Teachers Association Buildings,
Tiruchirappalli - 620 008.
- 4.The District Educational Officer,
Old District Library Office (Upstairs),
Tiruchirappalli - 620 002.
- 5.The Accountant General (A & E),
Treasury and Accounts,
Tamil Nadu Circle,
Chennai - 600 018.
- 6.Khajamian Higher Secondary School,
Khaja Nagar,
Tiruchirappalli - 620 020,
Represented by its Secretary
and Correspondent

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 27.04.2009, made in W.P.(MD) No.4227 of 2005, on the file of this Court.

Prayer in WP(MD). 4227/ 2005 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the service register of the respondent with the sixth respondent, quash the order of the



fourth respondent dated 10.6.2003 made in Na.Ka.No.12477/A1/03 to the extent it disentitles the petitioner from claiming backwages and continuity of service and consequently direct the respondents to grant service benefits and arrears of pay to the petitioner taking into account the period from 13.1.1999 to 1.12.2002.

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For Appellant : Mr.J.Nantha Kumar
for M/s.Kara Associates

For Respondents 1 to 4 : Mr.A.K.Baskarapandian
Special Government Pleader

For 5th Respondent : Mr.P.Gunasekaran

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.J.Nantha Kumar, learned counsel appearing for the appellant, Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.P.Gunasekaran, learned counsel appearing for the 5th respondent.

2.The Writ Appeal is directed against the order of this Court dated 27.04.2009, made in W.P.(MD) No.4227 of 2005.

3.On a perusal of the order passed by the learned Single Judge, it is found that the appellant has given up the claim for back wages and continuity of service and he was reinstated into service pursuant to the compromise entered with the Management of the School, in which the appellant was working as a teacher. The compromise has been recorded in a civil suit. After retirement, the appellant has come forward with the present Writ Petition claiming that the entire period of service should be reckoned and all benefits should be computed and paid. We are of the considered view that the learned Single Judge has rightly rejected the prayer sought for by the appellant. Thus, we do not find any ground to interfere with the order of the learned Single Judge.

4.In the light of the above, the Writ Appeal is dismissed. Consequently, connected Miscellaneous Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Director of School Education,
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5.The Accountant General (A & E),
Treasury and Accounts,
Tamil Nadu Circle,
Chennai - 600 018.

+1 CC to M/s.CHAMUNDI BOSE, Advocate (SR-91092[F] dated
03/10/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-91294[F] dated
04/10/2019)

+1 CC to M/s.GP (SR-91574[F] dated 04/10/2019)

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