

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 26.03.2019

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P (MD) No.8673 of 2015

D.Prabakaran

... Petitioner

Vs.

- 1.The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.
 - 2.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
 - 3.The Accountant General,
Tenampet, Chennai - 600 018.
 - 4.TDTA Tirunelveli Thirumandala Arakattalai,
Near St. John College,
Palayamkottai - 627 002,
Tirunelveli District.
 - 5.TDTA Primary School,
Rep. by its Headmaster,
Karuvantha Village,
Alangulam Taluk,
Tirunelveli District.
- (R5 Impleaded vide Court Order
dated.09/06/15 made in MP.1/15)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to sanction and pay the retirement benefits and the pensioners benefits based on the petitioner's representation, dated 21.02.2014 within the time stipulated by this Court.

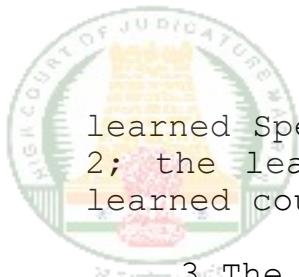
For Petitioner: Mr.Ananth C.Rajesh
For RR 1 & 2 : Mrs.S.Srimathy,
Special Government Pleader.
For R - 3 : Mr.P.Gunasekaran
For RR 4 & 5 : Mr.S.Chellapandian

ORDER

This writ petition has been filed seeking a direction to the respondents to sanction and pay retirement and pensionary benefits to the petitioner based on his representation, dated 21.02.2014.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard the learned counsel appearing for the petitioner; the



learned Special Government Pleader appearing for the respondents 1 & 2; the learned counsel appearing for the third respondent and the learned counsel appearing for the respondents 4 and 5.

3. The case of the petitioner is that he was appointed as a Secondary Grade Teacher in the fourth respondent School on 05.11.1980 and subsequently, he was promoted as a Headmaster. Since the petitioner became ill and was unable to perform his duty as a Headmaster, the fourth respondent demoted him as a Secondary Grade Teacher with effect from 08.11.2004 and he was transferred to the fifth respondent School. But the fifth respondent refused to admit the petitioner in the School. In the mean time, the petitioner retired from service on 20.02.2012. Since the fifth respondent School failed to submit his service book with the fourth respondent for processing his retirement benefits, no retirement benefits were paid to the petitioner. Hence, he sent a representation to the respondents on 21.02.2014. Since the same has not been considered by the respondents so far, the petitioner has filed the present Writ Petition.

4. The learned counsel appearing for the respective respondents submitted that the representation of the petitioner would be considered on merits.

5. In such view of the matter, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner, dated 21.02.2014 seeking to sanction and pay the retirement and pensionary benefits and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

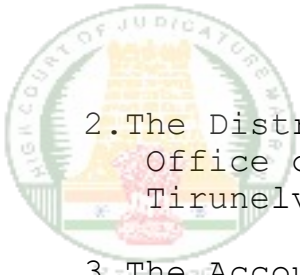
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of Elementary Education,
Office of the Director of Elementary Education,
College Road, Nungambakkam,
Chennai - 600 006.



2.The District Elementary Educational Officer,
Office of the District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Accountant General,
Tenampet, Chennai - 600 018.

+1cc to Mr.Ananth C.Rajesh, Advocate, SR.No.56788
+1cc to Special Government Pleader, SR.No.57200

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26.03.2019

SP/24.04.2019/3P/6C