



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.08.2019
CORAM:
THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

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W.P(MD)No.17733 of 2019

S. Nagalakshmi

... Petitioner

Vs.

1.The Joint Director of Elementary Education (Aided),
GREAMS Road,
Chennai - 600 006.

2.The District Educational Officer,
Thoothukudi at Pudukkottai,
Thoothukudi District-628 103.

3.The Assistant Educational Officer No.1,
Thoothukudi Panchayat Union,
Pudukkottai, Thoothukudi District.

4.The Secretary,
Sethuraman Vidyalayam, Allikulam - 628 103,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to receive the proposals from the 4th respondent for the fixation of the petitioner's salary during the period of her tenure by applying the pay revisions and increments and sanction her unpaid salary and other benefits and pay her retirement benefits including the provident fund, pension and all other monetary benefits to which the petitioner is entitled.

For Petitioner : Mr. I. Robert Chandrakumar

For R1 to R3 : Mrs. S. Srimathi
Special Government Pleader

For R4 : Mr. T. Aswin Rajasimman
for M/s. T. Lajapathi Roy

ORDER

This writ petition has been filed for issuing a direction to the respondents 1 to 3 to receive the proposals from the 4th

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respondent for the fixation of the petitioner's salary during the period of her tenure by applying the pay revisions and increments and sanction her unpaid salary and other benefits and to pay her retirement benefits including the provident fund, pension and all other monetary benefits.

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2. According to the petitioner, she was working as an Assistant Teacher in the 4th respondent School and she submitted an application seeking permission to retire under Voluntary Retirement Scheme to the respondent, but, the same has not been considered by them. Hence, the petitioner has filed a Writ Petition in WP(MD).No.10542 of 2019 before this Court and this Court, by order dated 27.04.2019 has given a direction to the 4th respondent to forward the proposal and by proceedings dated 25.06.2019, the second respondent has permitted the petitioner to retire from service under voluntarily scheme with effect from 03.06.2019. Thereafter, the petitioner made a proposal for retirement benefits for the fixation of the petitioner's salary as stated in the aforesaid prayer. But, no such proposal has been forwarded by the 4th respondent. Hence, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. The learned counsel appearing for the fourth respondent had stated before this Court that the said application will be forwarded to the third respondent, if the same is in order, within a period of two weeks from the date of receipt of a copy of this order and the same has been agreed by the petitioner.

4. In view of the said submission made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to forward the representation of the petitioner, dated 22.07.2019, if it is in order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation within the aforesaid period, the third respondent shall consider the same and pass appropriate orders as expeditiously as possible, in any event, not later than eight weeks, thereafter.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)



Trp

To

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Thoothukudi District.

+1 CC to M/s.SPL GP (SR-83757[F] dated 28/08/2019)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-84326[F] dated
29/08/2019)

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KM/(16.09.2019) 3P 7C