



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.10435 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

P.Ponnammal

... Petitioner

-Vs-

1.The Director of School Education,
College Road, Chennai-600 006.

2.The District Educational Officer,
Tenkasi, Tirunelveli District.

3.The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

4.The Secretary,
Lakshmi Hari Hara Aided High School,
Elathur, Tirunelveli District-627 803.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to re-employ the petitioner as Physical Education Teacher for a period from 01.07.2015 till the end of the next academic year ie., 31.05.2016 in the fourth respondent school with service and monetary benefits.

For Petitioner : Mr.K.Vinayagan
For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.
For R4 : Mr.N.Shankar Ganesh

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to re-employ the writ petitioner as Physical Education Teacher for a period from 01.07.2015 to till the end of the next academic year i.e., 31.05.2016 in the fourth respondent school.

2.The writ petitioner was employed as Physical Education Teacher and the writ petitioner attained the age of superannuation on 30.06.2015. However, the benefit of re-employment as per the Government Orders was not granted to the writ petitioner. Thus, the writ petitioner was constrained to file the Writ Petition.



3. Though an order of interim injunction was granted by this Court, the same was not implemented by the respondents. However, the writ petitioner after filing of Contempt Petition was permitted to join duty and served for sometime and thereafter, retired from service on completion of the re-employment period.

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4. The grievance of the writ petitioner is that the salary due to him for the re-employment period has not been settled. In this regard, the learned counsel appearing on behalf of the writ petitioner also states that the respondents have not even considered the case of the writ petitioner for settlement of the salary as applicable with reference to the Government Orders in force.

5. This being the factum, the respondents are directed to settle the salary for the period, in which the writ petitioner had served as Physical Education Teacher during the re-employment period and all other benefits in accordance with the rules in force. The fourth respondent in this regard, is directed to submit a proposal in respect of the period, in which the writ petitioner had served as Physical Education Teacher to the competent authorities, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the proposal, the competent authorities are directed to settle the amount, within a period of twelve weeks thereafter.

6. With these directions, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Director of School Education,
College Road, Chennai-600 006.

2. The District Educational Officer,
Tenkasi, Tirunelveli District.

3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

+1 CC to Mr.K.VINAYAGAN, Advocate (SR-76236[F] dated 19/07/2019)

+1 CC to Mr.N.SHANKAR GANESH, Advocate (SR-75927[F] dated
18/07/2019)

+1 CC to SPL GP (SR-76023[F] dated 18/07/2019)

**W.P(MD) No.10435 of 2015
17.07.2019**