



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.20725 of 2019

and

W.M.P.(MD)No.17345 of 2019

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G.Rajendran

....Petitioner

Vs

1. The State of Tamil Nadu
Representated by its Principal Secretary to Government
School Education Department
Fort. St.George, Chennai 009
 2. The Accountant General
Office of the Principal Accountant General
(Accounts and Entitlements)
361, Anna Salai, Teynampet, Chennai 018.
 3. The Director of School Education
DIP Complex College Road
Chennai 006
 4. The Chief Educational Officer
Office of the Chief Educational Officer
Thanjavur District
 - 5.The District Educational Officer
Office of the District Educational Officer
Thanjavur, Thanjavur District
-Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to sanction and disburse all retirement and monetary benefits of the petitioner along with an accrued interest thereon in pursuant to the order passed by the 4th respondent vide his proceedings Na.Ka.No.4263/E1/2018, dated 31.05.2019, allowing the petitioner to retire from Service, within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For M/s.Ajmal Associates
For R1, R3 to R5 :Mr.K.Karuppasamy
Government Advocate

ORDER

This Writ petition has been filed for a direction to the respondents to sanction and disburse all retirement and monetary benefits of the petitioner along with an accrued interest thereon in pursuant to the order passed by the 4th respondent vide his proceedings in Na.Ka.No.4263/E1/2018, dated 31.05.2019.



2. Mr.M.Karuppasamy, learned Government Advocate takes notice for the respondents 1 and 3 to 5. By consent of parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

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3. According to petitioner, he was appointed to the post of Secondary Grade Teacher on 28.04.1986 and he attained the age of superannuation on 31.05.2019. While so, the third respondent issued a charge memo, dated 29.05.2015 under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules, alleging that some amounts were sanctioned and disbursed to the teacher in violation of the Government Order. Not being satisfied with the explanation submitted by the petitioner, after enquiry, the third respondent imposed a punishment of stoppage of increment for six months without cumulative effect, by his proceedings, dated 31.10.2016. The petitioner was allowed to retire by proceedings, dated 31.05.2019, subject to the action initiated in respect of misconduct. The petitioner was not paid with the retirement benefits. Hence, he sent a representation dated 20.09.2019 to the fourth respondent, but no action has been taken so far. Aggrieved against the same, the petitioner has come out with the present writ petition.

4. Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents 1, 3 to 5 submitted that disciplinary proceedings initiated against the petitioner is pending. In view of the same, the retirement benefits was not paid to the petitioner.

5. Considering the rival submission of the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 3 to 5, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 20.09.2019 and pass orders, on merits and in accordance with law, within a period of eight (8) 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Principal Secretary to Government
The State of Tamil Nadu
School Education Department
Fort. St.George
Chennai 009

2. The Director of School Education
DIP Complex College Road
Chennai 006

3. The Chief Educational Officer
Office of the Chief Educational Officer
Thanjavur District

4. The District Educational Officer
Office of the District Educational Officer
Thanjavur, Thanjavur District

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-90125[F] dated
27/09/2019)

+1 CC to SPL GP (SR-90563[F] dated 30/09/2019)

W.P. (MD) No.20725 of 2019 and
W.M.P. (MD) No.17345 of 2019
27.09.2019

msa

VB(17.10.2019) 3P 7C