

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 18.07.2019****CORAM****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P[MD]No.6309 of 2014****WEB COPY**

T.Antony

... Petitioner

Vs.

1.The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.

2.The Superintendent of Roman Catholic
Schools and Colachel Vicariates,
Diocese of Kottar,
Assisi Campus, Nagercoil,
Kanyakumari District - 629 001.

3.The Correspondent,
St. Xavier's High School,
Kottar, Nagercoil,
Kanyakumari District - 629 002.

4.The Headmaster,
St. Xavier's High School,
Kottar, Nagercoil,
Kanyakumari District - 629 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the of India for issuance of a Writ of Mandamus, directing the respondents herein to reinstate the petitioner and grant all monetary benefits to him within a time frame fixed by this Court.

For Petitioner : Mrs.J.Anandhavalli
For Respondent No.1 : Mrs.S.Srimathy
Special Government Pleader
For Respondents 2 to 4 : Mr.P.Muthuvelan
for M/s.Isaac Chambers

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to reinstate the writ petitioner and grant all monetary benefits to him.

2.The petitioner states that he joined in the third respondent school as Drawing Teacher and he was placed under suspension, on account of the institution of departmental disciplinary proceedings. However, learned Counsel appearing on behalf of the third respondent school brought to the notice of this Court that on completion of the



departmental disciplinary proceedings, the writ petitioner was terminated from service in proceedings dated 04.09.2000. However, the said order of termination has not be challenged by the writ petitioner so far.

3. In the absence of challenging the order of termination, the writ petitioner cannot file a writ petition for a direction to settle the monetary benefits. In other words, only if the order of termination is set aside by the Court or by the competent appellate authority, the writ petitioner can claim the pensionary and terminal benefits as applicable under the pension rules in force. This being the principle to be followed, the direction as such sought for to reinstate the petitioner as well as to settle the pensionary benefits cannot be granted.

4. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

The District Elementary Educational Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s. ISAAC CHAMBERS, Advocate (SR-76221[F] dated 19/07/2019)
+1 CC to SPL GP (SR-76359[F] dated 19/07/2019)
+1 CC to M/s. J. ANANDHAVALLI, Advocate (SR-76218[F] dated 19/07/2019)

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mr

MK (06.08.2019) 2P 5C