



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.22538 of 2019

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S.P.Balasubramanian

... Petitioner

-Vs-

1.The Principal Secretary to Government of Tamil Nadu
Department of Higher Secondary School Education
Secretariat, Chennai

2.The Principal Accountant General
Accounts and Establishment
361, Anna Salai, Temonpettai
Chennai 18

3.The Joint Director (Establishment)
Department of Higher Secondary School Education
College Road
Chennai 6

4.The District Education Officer
Office of the District Education Officer
Thiruchendur, Thoothukudi District

5.The Headmaster
Arulmigu Senthil Andavar Government Boys
Higher Secondary School
Tiruchendur
Toothukudi District

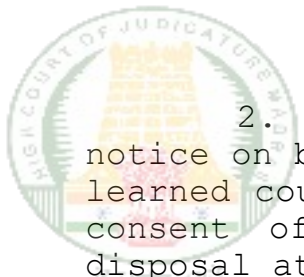
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the retirement benefit and pension to the petitioner within the stipulated time.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1, R3 & R4	: Mr.A.Thiyagarajan
	Government Advocate
For R2	: Mr.P.Gunasekaran

ORDER

The Petitioner has come out with the present writ petition for a direction to the respondents to disburse the retirement benefit and pension to the petitioner within a stipulated time to be fixed by this Court.



2. Mr.A.Thiyagarajan, learned Government Advocate takes notice on behalf of the respondents 1, 3 and 4 and Mr.P.Gunasekaran, learned counsel takes notice on behalf of the second respondent. 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 the petitioner, he was appointed as Office Assistant at Government Higher Secondary School, Mommaticottai Santhankulam on 13.01.1984, then, promoted as Record Clerk. Due to his illness, he took medical leave from 09.07.2001 to 17.12.2001 and reported to duty along with medical fitness certificate. But, the fifth respondent did not permit the petitioner to join duty. Hence, the petitioner filed O.A.No.4797 of 2002 before the Tamil Nadu Administrative Tribunal, Chennai. The said Tribunal directed the respondents 4 and 5 to take back the petitioner and give him posting. Thereby, the petitioner was permitted to join duty on 27.09.2002. The petitioner met with a road accident and sustained grievous injuries, hence, he applied for medical leave along with medical certificate. While so, the petitioner reached the age of superannuation on 30.04.2012. However, the respondents did not permit the petitioner to retire from service. In this regard, the petitioner made a representation dated 05.09.2019 to the respondents. But, the respondents have not taken any action so far. Hence, the petitioner has come up with the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that it would suffice, if a direction is issued to the respondents to consider the representation of the petitioner, dated 05.09.2019, on merits.

5.Considering the nature of relief sought for in the Writ petition and submission of the learned counsel for the petitioner, without deciding the issue on merits, the respondents are directed to consider the representation of the petitioner, dated 05.09.2019 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.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

msa

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



To

1.The Principal Secretary to Government of Tamil Nadu
Department of Higher Secondary School Education
Secretariat, Chennai

2.The Joint Director (Establishment)
Department of Higher Secondary School Education
College Road
Chennai 6

3.The District Education Officer
Office of the District Education Officer
Thiruchendur
Thoothukudi District

+1 CC to Mr.P.GANAPATHI SUBRAMANIAN, Advocate (SR-94510[F] dated 25/10/2019)

+1 CC to Mr.P.GUNASEKARAN, Advocate (SR-94577[F] dated 25/10/2019)

+1 CC to SPL GP (SR-94642[F] dated 25/10/2019)

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