

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.17768 of 2007
(O.A.No.2045 of 2004)

M.Muthaiah

... Petitioner

Vs.

1. The Head Master,
Government Higher Secondary School.
Attur - 624701,
Dindigul Taluk & District.
 2. The Chief Educational Officer,
Dindigul.
 3. The Director of School Education,
College Road, Chennai.
- ... Respondents

PRAYER : Originally this petition has been filed as Original Application No.2045 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.17768 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to permit the petitioner to continue in service till 31.05.2004 with all consequential benefits.

For Petitioner : Mr.S.Balaraman
for Mr.R.Muthukannu

For Respondents: Mr.P.Chinnadurai
Additional Government Pleader

ORDER

This Writ Petition has been filed directing the respondents to permit the petitioner to continue in service till 31.05.2004 with all consequential benefits.

2. It is averred in the writ petition that the petitioner has filed the Original Application before the Tamil Nadu Administrative Tribunal, Chennai. Subsequently, due to abolition of the Tribunal, this matter was transferred to this Court and renumbered as W.P.No.17768 of 2007.

3. The petitioner was working as a Drawing Teacher. Though superannuation falls as on 30.06.2003, one year extension was given by the second respondent to the petitioner till the academic year 31.05.2004. Subsequently, he was relieved from service vide order of the first respondent dated 22.09.2003 and that was challenged by the petitioner in this writ petition, on the ground that he should have been allowed to continue in service till the extended period of 31.05.2004. But without any reason, he was relieved on 22.09.2003.

4. Mr.P.Chinnadurai, learned Additional Government Pleader appearing for the respondents submitted that though his request for extension of service was considered for a further period of academic year from 01.07.2003 to 31.05.2004, since he participated in the illegal strike conducted by the officer, his extension was cancelled and he was relieved from service and the said extension was subject to the satisfaction of the Government. Since during the extended period, he was not continuing in service to the satisfaction of the Government, he was relieved. Therefore, he is not entitled for the relief sought for.

5. Admittedly, the petitioner was working as a Drawing Teacher, at the time of retirement, his age was 58 years which was subject to the satisfaction of the Government. The service can be extended for the further period of one year. Accordingly, his request was considered and service was extended for the further period of one year and during that time, the petitioner participated in the illegal strike and therefore, he was relieved from service before completion of the extended period i.e. 31.05.2004. Therefore, during the extended period, the service of the incumbent, is to the satisfaction of the Government. But in any manner, the service of the petitioner is found not good and that he can be relieved at any time. According to the respondents, since the petitioner participated in the illegal strike, he was relieved from service on 22.09.2003.

6. Considering the facts and circumstances of the case, there is no illegality in the impugned order passed by the respondents. Therefore, the petitioner is not entitled to the relief as prayed for and hence, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sni

To

1.The Head Master,
Government Higher Secondary School.
Attur - 624 701,
Dindigul Taluk & District.

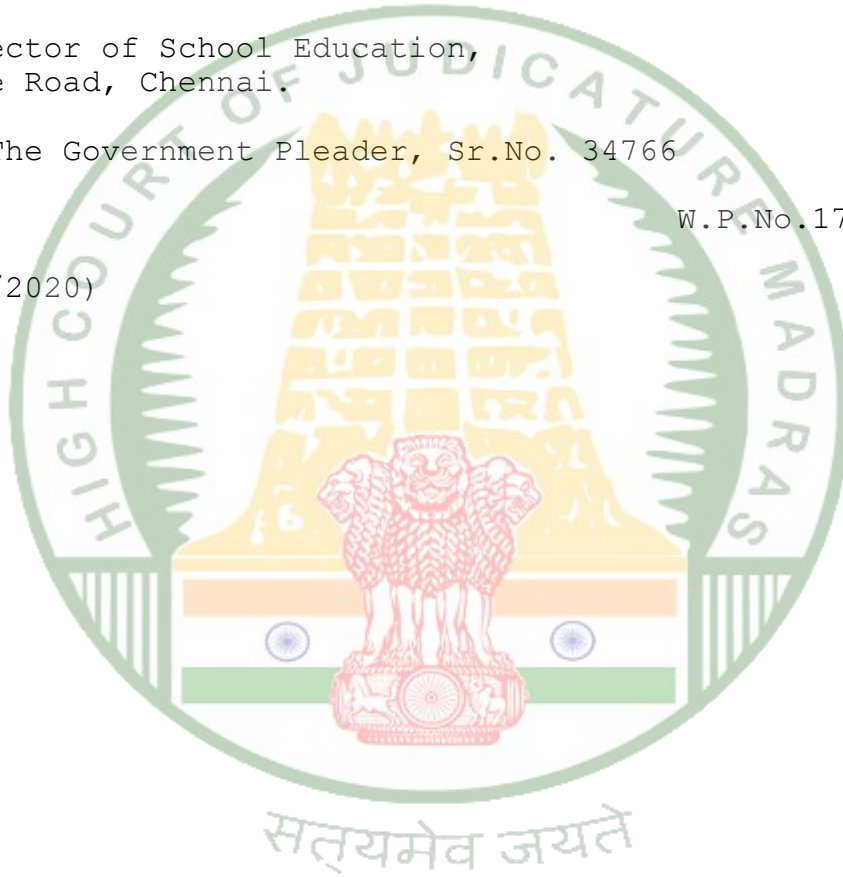
2.The Chief Educational Officer,
Dindigul.

3.The Director of School Education,
College Road, Chennai.

+1 cc to The Government Pleader, Sr.No. 34766

W.P.No.17768 of 2007

SSV(CO)
RMP(07/12/2020)



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