

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 22543 OF 2013
and
MP.No.1 of 2013

K.Dravida Madhi

.. Petitioner

- Vs -

1.The Government of Tamil Nadu,
Rep. By Secretary to Government
School Education Department,
Fort. St. George, Chennai 600 009.

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

3.The Commissioner,
Chennai Corporation,
Rippon Buildings,
Chennai 600 003.

4.The Educational Officer,
Corporation of Chennai,
Rippon Buildings
Chennai 600 003.

5.The Accounts Officer,
Pension Section,
General Department,
Corporation of Chennai,
Rippon Building, Chennai 600 003.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to grant arrears of pay in pursuant to the proceedings NO.Ka.Thu.Na.Ka.No.M3/268/98 dated 28.05.2002 of the officers of the Education Department of Chennai Corporation and to fix the pay of the petitioner in the selection grade scale of pay of Grade-I Tamil Pandit at R.1640/2900 from 05.09.1989 and fix corresponding scale of pay of Rs.6500-8000 from 01.01.1996 as per the recommendations of VI Official Pay Committee, and then fix last drawn pay and thereafter grant arrears of pay

after deducting the amounts already paid to the petitioner for a period from 01.04.1990 to 31.03.1998 when the petitioner retired from service, and grant pension from 01.04.1998 onwards with arrears of pension after deducting the amount of provisional pension paid from 01.04.1998 to 31.07.2003 and other terminal benefits after deducting provisional gratuity and provisional commutation of pension, with interest @ 18% per annum.

For Petitioner : Mr.R.Saseetharan

For Respondents: Mr.S.Sureshkumar, GA for R1 and R2

: Mr. Dhanisha Manokaran for R3

: M/s G.Ananthanrangan for R4

ORDER

The present writ petition has been filed by the petitioner to direct the respondent to grant pension from 01.04.1998 onwards with arrears of pension after deducting the amount of provisional pension paid from 01.04.1998 to 31.07.2003 and other terminal benefits after deducting provisional gratuity and provisional commutation of pension, with interest @ 18% per annum.

2.The case of the petitioner is that the petitioner retired as Tamil Pandit from the Chennai Corporation School. He served as Tamil Pandit in Chennai Corporation Schools for a period from 05.08.1964 to 31.03.1998 and thereafter he was allowed to retire from service on 31.03.1998. Immediately after the retirement the petitioner has been paid only provisional pensionary benefits for the period from 01.04.1998 to 31.03.2003. The grievance of the petitioner is that the petitioner has not been paid full terminal benefits and monthly pension from the date of his retirement for the reason that the Corporation School Teachers were absorbed as Government servants only with effect from 01.06.1986 and they were brought under the control of the State Education Department only from 01.04.1990. Due to the above, the petitioner did not receive his consequential pensionary benefits. Hence the petitioner has come forward with this petition for getting his remedy.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an octogenarian as on date and has been languishing for his pension for so long. Though the petitioner is entitled to full pensionary benefits, the same has not been given to him. It is further submitted that there is no dispute with regard to the eligibility of the petitioner for receiving the pension. Learned counsel submits that this Court, taking the above facts to notice, it would suffice if a direction is issued to the respondent to pay the arrears of the pension and monthly pension within a reasonable time as fixed by this Court.

4. On the above contention, this Court heard the learned Government Advocate as well as other counsel appearing for the respondents, who have no objection to the passing of an order as sought for.

5. In view of the limited relief sought for by the petitioner, this Court, without going into the merits of the issue, directs the 2nd respondent to calculate the arrears of pension, after deducting the amount of provisional pension already paid to the petitioner from 01.04.1998 to 31.07.2003 and pay the arrears of pension and other terminal benefits after deducting the amounts, if any paid towards the other terminal benefits and continue to pay the monthly pension. The 2nd respondent is further directed to complete the exercise and pay the amounts due to the petitioner within a period of 3 months from the date of receipt of a copy of this order. The 2nd respondent shall also bear in mind that the petitioner has already crossed the age of 80 and the petitioner should be allowed to enjoy the fruits of his labour.

6. The writ petition is disposed of with the aforesaid observation and directions. However, there shall be no order as to costs. Consequently connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs

To

1.The Secretary to Government
School Education Department,
Fort. St. George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai 600 006.
+1 CC to Govt. Pleader sr 24768.

W.P. NO. 22543 OF 2013

VGII (CO)
SP(29/07/2020)