

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 15.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 2668 OF 2013

G.Ida Nesamani

.. Petitioner

- Vs -

1. Central Board of Secondary Education,
Represented by its Secretary,
PS-1-2, Institutional Area, I.P.Extn.,
Patparganj, Delhi 110 092.
Having its regional office at

Plot No.1630A, "J" Block,
16th Main Road, Anna Nagar West,
Chennai 600 040.
2. The Director General,
Ordnance Factory Board,
Esplanade East, Calcutta 700 069.
3. The General Manager,
Heavy Vehicles Factory,
Avadi, Chennai 600 054.
4. The HVF English Medium Educational Society,
Represented by its Secretary,
Vijayanta Senior Secondary School,
Near EME Lines, HVF Estate,
Avadi, Chennai 54.
5. The Secretary,
Vijayanta Senior Secondary School,
H.V.F.Estate, Avadi,
Chennai 54.

.... Respondents

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus, direction the respondent to treat the service of the petitioner on and from 09.03.2013 till 31.03.2015 as one in regular service and pay the benefits to which she is entitled.

For Petitioner : Mr.Sharathchandar for
M/S.V.Raghavachari

For Respondents : Mr.C.V.Ramachandramoorthy, ACGSC
for R1

ORDER

The petitioner who was employed as Graduate teacher in the fifth respondent School was sought to be retired at the age of 58 years on the ground that the age of retirement in respect of teachers was only 58.

2. On the contrary, the petitioners contended that as per the by-laws of the Central Board of Secondary Education (CBSE), the retirement age as per Rule 30 is 60 years. If the age of superannuation fell during academic session, the concerned employee shall be retired at the end of the academic session. It is on these grounds she had prayed for continuance in service till she attains 60 years and further prayed that she should be allowed to continue in service till the end of the academic year 2011-2012.

2. The learned counsel for the petitioner submitted that though this writ petition has been filed for re-fixing the retirement period at the age at 60 years, however, during the pendency of the writ petition, the petitioner continued in service in view of the interim orders passed by this Court and subsequently retired on attaining 60 years. Accordingly this Court may direct the respondents to calculate the terminal benefits of the petitioner with her age of retirement being fixed at 60 years in the light of the orders passed by this Court as also Rule 30 of the by laws of the Central Board of Secondary Education.

3. In the facts and circumstances of the case, the petitioner is directed to submit a representation afresh to the 1st respondent for calculation and payment of all terminal benefits of the petitioner fixing the age of retirement at 60 years along with a copy of this order and on such representation being submitted, the 1st respondent is directed to consider the same and pass appropriate orders as expeditiously as possible in the light of the interim directions granted by this Court permitting the petitioner to continue in service till the age of 60 years and also the relevant by-laws of the Central Board of Secondary Education.

4. This writ petition is disposed of with the aforesaid observations and directions. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jrs

To

1.The Secretary,

Central Board of Secondary Education,
PS-1-2, Institutional Area, I.P.Extn.,
Patparganj, Delhi 110 092.
Having its regional office at

Plot No.1630A, "J" Block,
16th Main Road, Anna Nagar West,
Chennai 600 040.

2.The Director General,

Ordnance Factory Board,
Esplanade East, Calcutta 700 069.

3.The General Manager,

Heavy Vehicles Factory,
Avadi, Chennai-600 054.

W.P. NO.2668 OF 2013

GJ(CO)

CB(28/09/2020)

सत्यमेव जयते

WEB COPY