

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31855 of 2013

And

M.P.No.1 of 2013

Mrs.M.Manonmani

... Petitioner

Vs.

1.The Secretary to Government,
Elementary Education Department,
Government of Tamilnadu,
Fort St.Goerge,
Chennai - 600 009.

2.The Director of Elementary School Education,
Chennai - 600 005.

3.The District Elementary Educational Officer,
Thiruvannamalai - 2.

4.The Principal Accountant General (A&E),
391, Anna Salai, Teynampet,
Chennai - 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the pensionary benefits, including monthly pension from July 2012 onwards, commutation of pension, balance of the provident fund benefits, arrears of pension on account of revision following the Pay Commission, arrears of house rent allowance, selection grade and special grade pay entitlements, arrears of allowances, including traveling allowances during the period of service and interest on belated payments to the petitioner herein.

For Petitioner : Mr.T.N.Sugesh

For Respondents: Mr.S.Suresh Kumar for R1 to R3
Government Advocate
Mr.V.Vijay Shankar for R4

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay the pensionary benefits, including monthly pension from July 2012 onwards, commutation of pension, balance of the provident fund benefits, arrears of pension on account of revision following the Pay Commission, arrears of house rent allowance, selection grade and special grade pay entitlements, arrears of allowances, including traveling allowances during the period of service and interest on belated payments to the petitioner herein.

2.The case of the petitioner is that the petitioner while he was working as Additional Assistant Educational Officer attained the age of superannuation on 30.11.1997, however, he was placed under suspension on 28.10.1997 and was served with a charge memo on 04.11.1997. Thereafter, by an order dated 27.11.1997, the petitioner was not permitted to retire from service on 30.11.1997. Thereafter, vide orders dated 12.12.2001 and 22.01.2002, the petitioner was permitted to retire from service with effect from the date of his superannuation viz., 30.11.1997, however, the pensionary benefits were not paid to the petitioner.

3.It is the further case of the petitioner that though the petitioner was permitted to retire from service with effect from the date of his superannuation viz., 30.11.1997, his pensionary benefits have not been paid to him even after several round of litigations and representations. Hence, this writ petition.

4.The learned counsel appearing for the petitioner would submit that though the petitioner made representation to the respondents seeking pensionary benefits, no orders were passed. Hence, this Court may issue direction to the respondents to settle the pensionary benefits due to the petitioner, in favour of the petitioner.

5.The third respondent has filed counter affidavit. From paragraph no.8 of the counter affidavit, it is known that major portion of the pensionary benefits due to the petitioner has been settled in favour of the petitioner. Hence, the petitioner is directed to approach the fourth respondent within a period of one week from the date of receipt of a copy of this order for the balance pensionary benefits. On such approach by the petitioner, the fourth respondent is directed to settle the pensionary benefits due to the petitioner, in accordance with law, within a period of four months thereafter.

6.The writ petition is accordingly disposed of. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Elementary Education Department,
Government of Tamilnadu,
Fort St.Goerge,
Chennai - 600 009.
 - 2.The Director of Elementary School Education,
Chennai - 600 005.
 - 3.The District Elementary Educational Officer,
Thiruvannamalai - 2.
 - 4.The Principal Accountant General (A&E),
391, Anna Salai, Teynampet,
Chennai - 600 006.
- +1cc to the Government Pleader, S.R.No. 28496

W.P.No.31855 of 2013
And
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VSN II(CO)
GN(15/10/2020)

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