

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.26914 of 2017

S. Mohan

..Petitioner

Vs

- 1.The Joint Director of School Education,
(Higher Secondary), Chennai - 600 006.
 - 2.The Chief Educational Officer,
Cuddalore, Cuddalore District.
 - 3.The Secretary,
Pachiyappa's Trust Board,
Chennai - 600 031.
 - 4.The Head Master,
Pachiyappa's Higher Secondary School,
Chidambaram, Cuddalore District.
- ..Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to settle pensionary and terminal benefits to the petitioner, by considering the representation dated 24.04.2017 made by the petitioner fixing outer time limit.

For Petitioner : Mr.M. Vediappan
For M/s.C.S. Associates

For RR 1&2 : Mrs.P. Kavitha
Government Advocate

For R3 : Mr.V. Sundara Rajan

For R4 : No Appearance

ORDER

This writ petition has been filed by the petitioner seeking for a direction to the respondents to settle the pensionary and terminal benefits to the writ petitioner, by considering the representation dated 24.04.2017 made by the petitioner fixing outer time limit.

2. According to the writ petitioner, he was appointed as "Record Clerk" by the third respondent/Pachiyappa's Trust, Chennai and was posted at Pachiyappa's Higher Secondary School, Chidambaram, Cuddalore District/4th respondent on 17.10.1975. His services were regularized from 17.10.1975. Due to his family circumstances, he could not continue his service and inform the fourth respondent/school about his absence of duty from 09.09.2006. However, the petitioner served for the past 31 years of unblemished service. Subsequently, the petitioner has attained the age of superannuation on 30.06.2014. Thereafter, he approached the respondent/school requesting to settle his terminal and monetary benefits, but there was no reply from the respondent/school. Following the same, he made several representations to the third respondent/Secretary on 24.04.2017, 15.05.2017 and 09.06.2017. Following the said representations, no order has been passed by the third respondent. Hence, the writ petitioner has come forward with the present writ petition before this Court.

3. Mrs.P. Kavitha, learned Government Advocate appearing for the second respondent submitted that the fourth respondent/School is an aided non-minority institution, which receives grant from the Government of Tamil Nadu. In the said school, the writ petitioner was appointed as "Record Clerk" by the third respondent/Trust on 17.10.1975. Thereafter, he was absent from the duty with effect from 09.09.2006 and he has not reported for duty till the date of superannuation on 30.06.2014. Thereafter, after a lapse of 11 years, he approached this Court seeking to settle the pensionary and terminal benefits to him. Till date, no order has been passed by the third respondent. The learned Government Advocate further submitted that if any such representation being made by the writ petitioner or if any proposals submitted by the fourth respondent/School and the same shall be considered in accordance with the Rules.

4. In view of the aforesaid submissions made by the learned counsel for the parties concerned, without expressing any opinion in the matter, the third respondent is directed to consider the petitioner's representation dated on 24.04.2017, 15.05.2017 and 09.06.2017 and pass appropriate orders on merits and in accordance with law, as expeditiously as possible within a period of twelve weeks (12) from the date of receipt of a copy of this order. It is made clear that if the third respondent is found that the writ petitioner is eligible for the pensionary and terminal benefits and the aforesaid petitioner's representations shall be forwarded to the second respondent/Chief Educational Officer for passing appropriate orders, that after the reasoned order shall be communicated to the writ petitioner within the reasonable period.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Msm

To

1.The Joint Director of School Education,
(Higher Secondary), Chennai - 600 006.

2.The Chief Educational Officer,
Cuddalore, Cuddalore District.

3.The Secretary,
Pachiyappa's Trust Board,
Chennai - 600 031.

4.The Head Master,
Pachiyappa's Higher Secondary School,
Chidambaram, Cuddalore District.

+1cc to M/s.C.S.Associates, SR. No. 4959

+1cc to Mr. K.V.Sundararajan, Advocate, SR. No. 5587

+1cc to Government Pleader, SR. No. 5348

W.P.No.26914 of 2017

VGI (CO)

RMP (17/07/2020)

सत्यमेव जयते

WEB COPY