



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.(MD) No.14717 of 2012

Koilammal

....Petitioner

vs.

1.The Government of Tamil Nadu
Registered by its Secretary
Department of School Education
Fort St.George
Chennai

2.The Director at School Education
College Road
Chennai 34

3.The Chief Educational Officer
Tiruchirappalli

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, directing the respondents to pay the pension gratuity and provident fund.

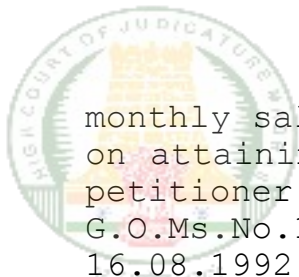
For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.N.Shanmugaselvan
Additional Government Pleader

ORDER

The Writ petition has been filed for a direction to the respondents to pay the pension gratuity and provident fund.

2.The learned counsel for the petitioner would submit that the petitioner was appointed in the year 1986 as part time Sweeper in the Government High School, Sikkathampur, Thuraiyur Taluk, Tiruchirappalli District and he was paid Rs.70/- as monthly salary for the said post. In the year 1992, the petitioner was appointed to the permanent post of Watchman Cum Water Supplier and she was paid



monthly salary of Rs.2,250/-. She retired from service on 31.06.2009 on attaining the age of superannuation. The learned counsel for the petitioner would further submit that the first respondent in G.O.Ms.No.1834, Department of Education Science and Technology dated 16.08.1992 accorded permanent status to the temporary post of the last grade servant created as per G.O.Ms.2225 dated 13.07.1976. As per the said G.O, the petitioner post was treated as permanent one and eligible to get all the benefits of the other last grade servants working in the Government High School. The grievance of the petitioner is that though she is eligible to receive gratuity, provident fund and pension benefits, the respondents have not paid the retirement benefits after her retirement. Against which, the petitioner made a representation to the third respondent. Subsequent to the representation, the third respondent in his proceedings in O.Mu.No.8227/A3/2010, dated 11.10.2010 stated that the paper was forwarded to the Joint Director of School Education, Madras for further action. But, the petitioner has not received any communication in this regard. Hence, she submitted a representation, dated 06.02.2012 to the District Collector, Tiruchirappalli. In spite of several representations to the respondents and other authorities, the respondents have not paid the pension benefits till date. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner further submitted that the petitioner sent various representations to the respondents and the last representation, dated 12.02.2020. But till date, no reply has been given by the respondents and therefore, he seeks before this Court to dispose of the representation, dated 12.02.2020 within a stipulated time to be fixed by this Court.

4.The learned Additional Government Pleader appearing for the respondents has filed a counter affidavit and stated that the third respondent already forwarded the necessary proposals to the Joint Director of School Education, Chennai, dated 01.11.2010 itself to get relaxation in age and in the communal roaster and also sent a reminder letter to the second respondent to pass necessary order. They in-turn forwarded the proposal to the Government. Now, the Government has to pass necessary orders regarding the above said proposal in favour of the petitioner. If necessary order has been passed by the Government, the third respondent is ready to act, accordingly.

5.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6.Considering the submission made by both counsel, a direction is issued to the Joint Director of School Education, Chennai to send another reminder along with representation of the petitioner, dated 12.02.2020 to the Government within a period of two weeks from the date of receipt of a copy of this order. On such reminder, the



proposal, dated 01.11.2010, within a period of twelve weeks thereafter. It is needless to say that the petitioner is directed to send a copy of the representation along with this order to the second respondent.

7. With the above direction, this Writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Secretary
Government of Tamil Nadu
Department of School Education
Fort St. George
Chennai
2. The Director at School Education
College Road
Chennai 34
3. The Chief Educational Officer
Tiruchirappalli.

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-7964[F]

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21.02.2020

msa

SDS (19.03.2020) 3P-5C