



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8844 of 2020

P.Veerachami

... Petitioner

Vs.

1.The District Elementary Educational Officer,
District Elementary Educational Office,
Kovilpatti, Thoothukudi District.

2.The Block Educational Officer,
Block Educational Office,
Vilathikulam, Thoothukudi District.

3.The Accountant General,
Accountant General Office,
No.361, Anna Salai, Chennai - 600 018. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 to pay the balance retirement benefits arrear amount of a sum of Rs.2,43,491/- (Rupees Two Lakhs Forty Three Thousand Four Hundred and Ninety only) and pay the revised monthly pension to the petitioner by considering the representation dated 20.02.2020 within a stipulated time that may be fixed by this Court.

For Petitioner :Mr.R.Karunanidhi

For Respondents :Mrs.S.Srimathy, Spl.G.P.
For RR1 and 2
Mr.P.Gunasekaran, for R3

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondent Nos.1 to 3 to pay the balance retirement benefits arrear amount a sum of Rs.2,43,491/- (Rupees Two Lakhs Forty Three Thousand Four Hundred and Ninety only) and pay the revised monthly pension to the petitioner by considering the representation dated 20.02.2020 within a stipulated time that may be fixed by this Court.

2.The petitioner joined in service on 16.12.1965 at Panchayat Union School in Vilathikulam Panchayat Union at Thoothukudi District and had been working there as Headmaster of the school till he retires on superannuation i.e., on



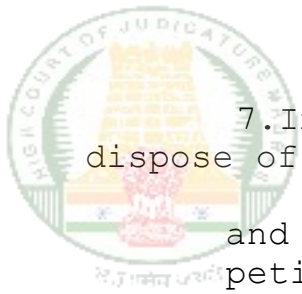
31.05.2000. Having been served for 34 years, he retired from service on 31.05.2000. Thereafter, his retiral and pensionary benefits having been calculated was disbursed and has been continuously receiving pension.

3. In this context, now, the grievance of the petitioner, as projected in his representation dated 20.02.2020 submitted to the respondents, is that since he has been working as Primary School Head Master for more than 30 years, he was entitled to get special pay and that special pay since has been given to similarly placed persons, which was not given to him. So, the special pay and other dues, which he has mentioned in his representation, is taken in to account, he is entitled to get higher pension, which according to him, would come to the extent of Rs.2,43,491/- and in order to get the same, he has given representation on 20.02.2020. Therefore, the learned counsel appearing for the petitioner would submit that, a direction can be issued to the respondents to consider the said representation on merits and in accordance with law and pass orders thereon, within a time frame stipulated by this Court.

4. However, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned standing counsel appearing for the 3rd respondent made a combined opposition stating that, the petitioner, having retired from service in the year 2000, was settled of his retiral and pensionary benefits and he has been continuously receiving pension for all these years and after two decades, now, suddenly, he has come out with this plea stating that, he would entitle for special pay, accordingly, his higher pension have to be paid to him. This kind of request being made after a long number of 20 years cannot be entertained as his retiral and pensionary benefits since has been settled long back.

5. I have considered the said submissions made by the learned counsel appearing on both sides and have perused the materials placed before this Court.

6. No doubt, the petitioner has approached the respondents belatedly after two decades. This Court feels that, if really the petitioner is entitled to get higher pension, such pensionary benefits, the petitioner has to get every month. Therefore, in the considered opinion of this Court, cause of action arises in this regard triggering the petitioner to approach this Court is a continuous cause of action. Therefore, now, only the reason of delay shall not stand in the way to the petitioner to approach this Court. Therefore, the said plea raised by the learned counsel for the respondents cannot be countenanced.



7. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

"The respondents, especially, the respondents 1 and 2 shall consider the representation of the petitioner dated 20.02.2020 on merits and in accordance with law and pass orders thereon, within a period of three months from the date of receipt of a copy of this order."

8. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

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Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Elementary Educational Officer,
District Elementary Educational Office,
Kovilpatti, Thoothukudi District.

2. The Block Educational Officer,
Block Educational Office,
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