



WEB COPY

W.P(MD)No.15908 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD)No.15908 of 2020

F.Vanaja Granaf Selvakumari

... Petitioner

Vs.

- 1.The Principal Secretary,
(School Education),
St George Fort, Chennai-600 009.
- 2.The Joint Secretary,
(School Education Department),
St George Fort,
Chennai-600 009.
- 3.The Commissioner of School Education,
School Education Department,
DPI Complex, Chennai-600 006.
- 4.The Director of School Education,
School Education Department,
DPI Complex, Chennai-600 006.
- 5.The Chief Educational Officer,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to pay the provisional pension of the petitioner from May-2017 as per her last drawn pay on the basis of the representation of the petitioner dated 16.10.2020.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

Seeking a direction to the respondents to pay the provisional pension of the petitioner from May-2017 as per her last drawn pay, based on her representation, dated 16.10.2020, the present writ petition came to be filed.



2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government pleader, who takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. According to the petitioner, as per the order passed by the first respondent dated 28.04.2017, she was permitted to retire from service in the afternoon on 30.04.2017 and the disciplinary proceedings pending against her shall be continued under Rule-9 of the Tamilnadu Pension Rules, 1978. Once the respondents permitted the petitioner to retire from service with the condition that the pending disciplinary proceedings to be continued, the respondents ought to have calculated the provisional pension as per the last drawn pay of the petitioner. However, the respondents have not paid any pension even after lapse of 3 ½ years of the date of retirement. In this regard, she submitted a representation dated 16.10.2020 to the respondents and the same is pending without any action. Hence, this writ petition.

4. On the other hand, learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents would consider the representation of the petitioner and pass orders, on merits.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the case, directs the fourth respondent to consider the representation of the petitioner, dated 16.10.2020 on merits and in accordance with law, and pass necessary orders, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp



1.The Principal Secretary,
(School Education),
St George Fort, Chennai-600 009.

2.The Joint Secretary,
(School Education Department),
St George Fort,
Chennai-600 009.

3.The Commissioner of School Education,
School Education Department,
DPI Complex, Chennai-600 006.

4.The Director of School Education,
School Education Department,
DPI Complex, Chennai-600 006.

5.The Chief Educational Officer,
Theni District,
Theni.

+1 CC to M/s.K.C. RAMALINGAM, Advocate (SR-21952[F] dated
11/11/2020)

W.P (MD) No.15908 of 2020
11.11.2020

SGS (CO)
TR(02.12.2020) 3P 7C