



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.15419 of 2014

WEB COPY

K.Kumaraguru

... Petitioner

-Vs-

- 1.The Director,
Directorate of Pension,
Chennai-18.
- 2.The Director,
Directorate of School Education,
College Road, Chennai.
- 3.The District Collector,
Collectorate,
Tuticorin District.
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Tuticorin.
- 5.The District Educational Officer,
Office of the District Educational Officer,
Tuticorin.
- 6.The Head Master,
Kayalpattinam - Arumuganeri,
Higher Secondary School,
Peyanvilai, Arumuganeri-628 202,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the District Educational Officer, Tuticorin, the fifth respondent herein to pay the arrears of pension amount by considering petitioner's representation, dated 06.08.2013 in the light of the communications of the respondents 1 and 2 and 4 herein.

For Petitioner

: Mr.S.Siva Thilakar

For Respondents

: Mr.J.Gunaseelan Muthiah



Additional Government Pleader
(for R1 to R5)
Mr.A.Thiruvadikumar (for R6)

ORDER

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The relief sought for in the present writ petition is to direct the District Educational Officer, Tuticorin, the fifth respondent herein to pay the arrears of pension amount by considering the petitioner's representation, dated 06.08.2013, in the light of the communications of the respondents 1, 2 and 4.

2.The writ petitioner attained the age of superannuation and retired from service on 31.12.2007. The writ petition was filed at the age of 64 years by the writ petitioner. The claims set out in the writ petition is for grant of incentive increment. After a lapse of six years from the date of retirement, the petitioner filed the present writ petition seeking incentive increment for retrospective effect. The petitioner retired from service on 31.12.2007 and the writ petition was filed on 15th September 2014.

3.Regarding the claim of the writ petitioner has stated that the details in Paragraph No.5 of the counter affidavit, which is extracted hereunder:-

".....5.....the petitioner has been sanctioned monthly pension of Rs.7910/- with dearness Allowance from 01.01.2008, to which he is entitled to. Therefore, payment of eligible pension to the petitioner could not be raised for the reason that the petitioner has reported that the said amount is meager since the petitioner retired on 31.12.2007, the fifth respondent is not the authority to pay pension arrears, if any to the petitioner Dearness Allowance on basic pension is paid by the respective Treasury Officer and not by the fifth respondent. The fifth respondent has no power to sanction incentive increment to the petitioner after his retirement on 31.12.2007. The secretary of the school is the authority to sanction incentive increments. The petitioner has not stated any reason for not claiming the incentive increment said to have been eligible for the petitioner from 04.01.1989, for 18 years till his retirement from the Secretary of his school. There is no entry in the service register of the petitioner for acquiring M.Ed degree and for obtaining prior permission from the fifth respondent to join M.Ed course..."

4.In view of the fact that the petitioner approached the Court after a lapse of many years and this apart, the claim regarding the incentive increment cannot be granted at this length of time in view of the Government order passed, pursuant to grant of incentive increment, the petitioner is not entitled for any relief.



5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

1. The Director,
Directorate of Pension,
Chennai-18.
2. The Director,
Directorate of School Education,
College Road, Chennai.
3. The District Collector,
Collectorate,
Tuticorin District.
4. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tuticorin.
5. The District Educational Officer,
Office of the District Educational Officer,
Tuticorin.

+1 CC to M/s.GP (SR-21730[F] dated 10/11/2020)

W.P. (MD) .No.15419 of 2014
09.11.2020

sj(CO)
KK(20.11.2020) 3P 7C