



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2020

CORAM

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

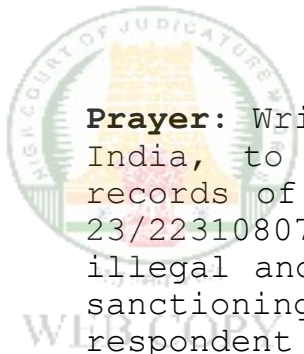
W.P. (MD)No.19434 of 2014
and
M.P. (MD)Nos.1 and 2 of 2014

L.Lawrence Maria Anthuvan ... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by the District Collector,
Collectorate, Trichy.
- 2.The Director of School Education,
DPI Compound,
College Road, Chennai-6.
- 3.The Joint Director of School Education (Secondary),
DPI Compound,
College Road, Chennai-6.
- 4.The Chief Educational Officer,
Parent-Teacher Association Building,
Syed Murthusha Higher Secondary School Compound,
Palakkarai, Trichy-8.
- 5.The District Educational Officer,
Old Collector Officer Compound,
Trichy-1.
- 6.The Accountant General A& E,
Pension Department,
361, Annasalai, Thenampet, Chennai-18.
- 7.The Regional Accounts Officer, (Audit)
Education Department,
Madurai-625 002.
- 8.R.C.Higher Secondary School,
Rep. by its Correspondent,
Cantonment, Trichy.

9.Sampath Raj ... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of the impugned order passed by the sixth respondent in P-23/22310807/1/R 2310807, dated 13.08.2014 and quash the same as illegal and consequently, direct the respondents 1 to 5, 7 and 8 by sanctioning the pension as Rs.15,305/- in favour of the ninth respondent under the new scale of pay of Rs.1,520-40-1560 is ab-initio, void, illegal by ultra virising the powers of statue and misusing their power on the colour of office, instead of fixing the salary on the basis of 1400-40-1440 etc.

For Petitioners : Mr.N.R.Murugesan
For R1 to R5
and R7 : Mrs.S.Srimathy
Special Government Pleader
For R6 : Mr.P.Gunasekaran
For R8 : Mr.P.Muthuvel
for M/s.Isaac Chambers
For R9 : Mr.P.Thiagarajan

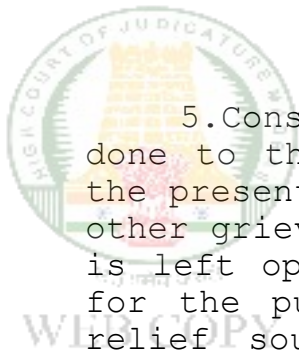
ORDER

The relief sought for in the writ petition is to quash the impugned order dated 13.08.2014 passed by the sixth respondent and to direct the respondents 1 to 5, 7 and 8 to cancel the fixation of the ninth respondent.

2.It is brought to the notice of this Court that the case of the writ petitioner was considered by the competent authorities and accordingly, an order was passed by the District Educational Officer, Trichirapalli in April 2015 itself. The copy of the order was communicated to the petitioner also. However, the said order regarding fixation of pension is not challenged in this writ petition.

3.This apart, the learned counsel appearing on behalf of the Accountant General of Tamil Nadu made a submission that the Government order passed in G.O.Ms.No.314, Education dated 12.11.1999 was withdrawn and accordingly, the revised fixation was done by the authorities concerned.

4.May that it be, this Court is of the considered opinion that the grievance of the petitioner has been redressed by the competent authority and an order was passed in the year 2015 itself. The petitioner has not chosen to challenge the said order. This apart, certain benefits were granted in G.O.Ms.No.314, Education dated 12.11.1999 by the Government.



5.Considering all these aspects, the fixation of pension was done to the petitioner and therefore, the relief as sought for in the present writ petition cannot be granted. However, if at all any other grievances exist with reference to the fixation of pension, it is left open to the petitioner to approach the competent authority for the purpose of redressal of his grievance. This apart, the relief sought for is against the fixation done for the ninth respondent. Such a relief cannot be considered in view of the fact that the petitioner has not established any grievance for himself, so as to establish his right. Thus, such a relief to cancel the fixation of the ninth respondent in the present case does not arise at all. Thus, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

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 Collector,
Collectorate, Trichy.
- 2.The Director of School Education,
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College Road, Chennai-6.
- 3.The Joint Director of School Education (Secondary),
DPI Compound,
College Road, Chennai-6.
- 4.The Chief Educational Officer,
Parent-Teacher Association Building,
Syed Murthusha Higher Secondary School Compound,
Palakkarai, Trichy-8.



5.The District Educational Officer,
Old Collector Officer Compound,
Trichy-1.

+1 CC to Mr.P.THIYAGARAJAN, Advocate (SR-22491[F] dated
23/11/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-22496[F] dated
23/11/2020)

+1 CC to Spl GP (SR-22622[F] dated 24/11/2020)

W.P.(MD)No.19434 of 2014
20.11.2020

VB (04.12.2020) 4P 9C