

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2881 of 2021

S.Seethalakshmi

... Petitioner

Vs

1. The Chief Secretary,
Union Territory of Puducherry,
Puducherry - 605 001.
2. The Director,
Directorate of School Education,
Perunthalaivar Kamarajar Education Complex,
Ellapillaichavady,
Puducherry - 606 005.
3. The Senior Accounts Officer,
Directorate of School Education,
Puducherry - 605 001.
4. The Junior Accounts Officer,
Directorate of School Education,
Puducherry - 605 001.
5. The Headmistress and Correspondent,
Jayarani Government Aided High School,
No.196, Lal Bahadur Shastri Street,
Puducherry - 605 001.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to pay the monthly pension amount due to the petitioner from 01.01.2020 as per the Pension Payment Order under PPO No.301/DSE/GIAS/2016-2017, dated 22.03.2017.

For Petitioner : Mr.R.Gururaj for
Mr.D.Baskar

For Respondents : Mr.Syed Mustafa

O R D E R

This writ petition has been filed, seeking a direction to the respondents to pay monthly pension due to the petitioner from 01.01.2020 as per the Pension Payment Order under PPO No.301/DSE/GIAS/2016-2017, dated 22.03.2017.

2. Mr.Mr.Syed Mustafa, learned Government Advocate takes notice for respondents. By consent of both sides, final orders are passed in the writ petition.

3. The case of the petitioner is that the petitioner who retired from service as a Senior Scale Physical Education Teacher, after attaining the age of Superannuation on 31.01.2017, had been getting pension as per the order of the 3rd respondent, dated 22.03.2017. While being so, suddenly the payment of pension has been ceased since 01.01.2020, without assigning any reason, though she has been filing life Certificate regularly once in a year. Hence, she made a representation before the 2nd respondent on 10.12.2020, followed by another representation dated 11.12.2020. In response to the representation dated 11.12.2020, the 4th respondent sent a reply on 11.01.2021 stating that details have been called for and that arrangements would be made for payment of pension for 5 months. Aggrieved against the evasive reply, the petitioner is approaching this Court by way of filing writ petition.

4. Considering the fact that the payment of pension has been ceased suddenly for the last one year, due to which, the petitioner has been facing financial crisis, this Court directs the petitioner to make a fresh representation before the respondent concerned, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the fresh representation of the petitioner and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 45 days thereafter.

5. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the fresh representation and this order, to the respondents. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order

and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

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

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vum

To:

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+1 cc to Government Pleader(Pondy) Sr.No. 8097

W.P.No.2881 of 2021

ca co

A.SK(10.03.2021)