

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2883 of 2021 and
WMP No.3226 of 2021

1. T.D.Saraswathy
2. K.Shantha Devi
3. V.Premalatha
4. R.Mohan

... Petitioners

Vs.

1. The Government of Puducherry,
Represented by the Secretary (Education)
Chief Secretariat,
Puducherry.
2. The Director of School education,
Perunthalaivar Kamarajar Educational Complex,
Anna Nagar, Puducherry.
3. The Director of Accounts & Treasury,
Government of Puducherry,
Puducherry.

.... 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 / disburse the withheld pension and dearness allowances due from January, 2020 to January 2021 at the sanctioned rate of 95% with interest at 12% per annum and continue to pay the same to the petitioners without any interruption.

For Petitioner : Mr.T.K.Kulasekaran
For Respondents : Mr.Syed Mustafa

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O R D E R

This writ petition has been filed, seeking a direction to the respondents to pay / disburse the withheld pension and dearness allowances due from January, 2020 to January 2021 at the sanctioned rate of 95% with interest at 12% per annum and continue to pay the same to the petitioners without any interruption.

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

3. It is the case of the petitioners that the petitioners 1,3 & 4 who retired as a teachers and the 2nd petitioner who retired as an Upper Division Clerk in the Valluvar High School, Solai nagar, Muthalpet, Puducherry, had been getting 95% of pension regularly from the date of retirement till December 2019, since the said School was falling under the domain of Aided School Category. While being so, suddenly the payment of pension and Dearness allowance of the petitioners have been ceased since 01.01.2020, without assigning any reason. Hence, they made several representations before the respondents on various dates but the same has not yielded any favorable result till date. Hence, the petitioners are before this Court by way of filing writ petition with the aforesaid relief.

4. Considering the fact that the petitioners are eking out their lively hood with meagre pension which is also withheld for 13 months from January 2020, due to which the petitioners have been facing financial crisis, this Court directs the petitioners to make fresh representations 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 representations of the petitioners and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioners, as expeditiously as possible, preferably within a period of 45 days thereafter.

5. The petitioners shall furnish their phone number, email ID, if any, etc., along with a copy of the fresh representations 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 they are not aware of the order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS.VII)

/True Copy/

Sub Assistant Registrar

To:

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 Director of Accounts & Treasury,
Government of Puducherry,
Puducherry.
4. The Senior Accounts Officer,
Directorate of School Education,
Puducherry - 605 001.
5. The Junior Accounts Officer,
Directorate of School Education,
Puducherry - 605 001.

+1cc to Mr.T.K.Kulasekaran, Advocate SR.NO.8327

AKM/02.03.21/3P-7C/

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