



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A.No.1087 of 2021
and
C.M.P.No.6875 of 2021

(Heard through VC)

Dr.A.S.Radhakrishnan
Joint Director of School Education (HS) (Retired)
DPI Campus, College Road,
Chennai - 600 006.

.. Appellant

vs.

1. The Principal Secretary to Government
School Education Department,
Secretariat,
Chennai - 600 009.

2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent
praying to set aside the order dated 21.12.2020 made in W.P.
No.19666 of 2020.

Prayer in W.P.No.19666 of 2020:

Petition filed under article 226 of the constitution of India praying to issue a writ of certiorarified Mandamus calling for the impugned order passed by the 1st respondent in Letter No.12651/SE(1)(2)/2016-14, School Education Department 27.11.2020 and quash the same and consequently to direct the Respondents to settle the terminal benefits of pension, commutation of pension and DCRG Amount along with interest without any recovery.

For Appellant : Mr.S.N.Ravichandran



For Respondents : Mr.C.Jayaprakash
Government Counsel

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JUDGMENT
(delivered by PUSHPA SATHYANARAYANA, J.)

The appellant is the writ petitioner, who has challenged the impugned order passed by the first respondent in Letter No.12651/SE(1)(2)/2016-14, School Education Department dated 27.11.2020. It is the show cause notice, directing the appellant to submit his explanation or acceptance as to the punishment proposed in the same, namely, 25% cut in pension for a period of five years.

2. The learned Single Judge was not inclined to accept any explanation from the appellant as to the correctness and the validity of the show cause notice, as it has to be decided only on proper and acceptable legal grounds and not on the basis of the self-serving averments of the appellant. It is well settled law that a show cause notice cannot be challenged. Against the dismissal of the said writ petition, the above writ appeal is filed.

3. Heard the learned counsel appearing for the appellant and the learned Government Counsel appearing for the respondents.

4. The learned counsel appearing for the appellant would pray that it would suffice, if the time granted in Letter No.12651/SE(1)(2)/ 2016-14 dated 27.11.2020 is extended by another 15 days.

5. Accordingly, the appellant is granted 15 days time from today to submit his explanation or acceptance as to the punishment proposed in the show cause notice. In all other aspects, the order of the learned Single Judge is confirmed.

6. With the above extension of time, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rsi



To

1. The Principal Secretary to Government
School Education Department,
Secretariat,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.
3. The Joint Director of School Education (HS),
DPI Campus, College Road,
Chennai - 600 006.

+lcc to the Government Pleader, S.R.No.31986

+lcc to Mr.S.N.Ravichandran, Advocate, S.R.No.32330

W.A.No.1087 of 2021
and
C.M.P.No.6875 of 2021

SSN(CO)
SU(23/07/2021)