

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3405 of 2021

E.Nagarajan

... Petitioner

Vs.

1. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.
 2. The Director of School Education,
College Road,
Chennai 600 006.
 3. The Joint Director of School Education (Personnel),
College Road,
Chennai 600 006.
 4. The Chief Educational Officer,
Cuddalore.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pursuant to the impugned order issued by the 4th Respondent in proceedings vide Na.Ka.No.9788/A3/2018, dated 31.10.2020 and quash the same and consequently direct the Respondents to permit the Petitioner to retire from service with effect from 31.01.2015, i.e. the date of his superannuation with all consequential service and monetary benefits.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.P.Raja,
Government Advocate

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned order dated 31.10.2020 passed by the 4th Respondent vide proceedings in Na.Ka.No.9788/A3/2018, and for a consequential direction to the Respondents to permit him to retire from service with effect from 31.01.2015, i.e. the date of his superannuation with all consequential service and monetary benefits.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. Learned counsel for the Petitioner submitted that, challenging the impugned order dated 31.10.2020 passed by the 4th Respondent, the Petitioner has filed an Appeal Petition on 08.12.2020 and the same is pending consideration.

4. As the Appeal Petition dated 08.12.2020 filed by the Petitioner is pending, the 2nd Respondent is directed to consider the same, after affording an opportunity of personal hearing to the Petitioner and pass appropriate orders on merits and in accordance with law, within a period of sixty days from the date of receipt of a copy of this order.

5. The Petitioner shall furnish his phone number, Email ID, if any, etc., along with a copy of his Appeal Petition and a copy of this order to the 2nd Respondent, forthwith. The 2nd Respondent is directed to communicate the decision taken on the Appeal Petition 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 a Contempt Petition after expiry of the specified period. In case, Authorities concerned fail to send communication to the parties, they will have to face civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening it for the sake of proof 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 of this Court.

With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.No.3890 of 2021 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai 600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
3. The Joint Director of School Education (Personnel),
College Road,
Chennai 600 006.
4. The Chief Educational Officer,
Cuddalore.

+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.9802.
+1cc to the Government Pleader, S.R.No.9949.

सत्यमेव जयते

W.P.No.3405 of 2021

PL(CO)
CSR 11.03.2021

WEB COPY



सत्यमेव जयते

WEB COPY