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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2021

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN
AND
THE HONOURABLE MR. JUSTICE R. VIJAYAKUMAR

W.A. No. 1907 of 2021
&
C.M.P No. 12287 of 2021

1. The Secretary to Government,
School Education (OP2) Department,
Fort St. George,
Chennai - 600009.
2. The Under Secretary to Government,
School Education (OP2) Department,
Fort St. George, Chennai - 600009. ... Appellants

Vs.

G. Nandakumar ... Respondent

Prayer: Writ Appeal as against the order dated 14.10.2019 in
W.P. No. 28394 of 2019.

Prayer in W.P. No. 28394 of 2019.

Writ of Certiorari and Mandamus, Call for the records of the 2nd respondent in connection with the impugned order passed by him in Letter No.17463/OP 2/2019 -1 dated 25/07/2019 and quash the same and direct the respondents to draw and disburse the provisional pension and other retirement benefits namely encashment of surrender leave for 240 days, encashment of unearned leave on Private Affairs for a period of 3 months and Special Provident Fund due to him within the time limit fixed by this Court.

For Appellants :: Mr.K.V. Sajeew Kumar
Govt. Counsel

For Respondent :: Mr.M. Azhagu Goutham



(Judgment of the Court was delivered by S. VAIDYANATHAN, J.)



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8. If the order of the learned Single Judge is tested in line with the aforesaid decisions of the Supreme Court, a portion of the order of the learned Single Judge, insofar as it grants gratuity and other pensionary benefits, is liable to be interfered with and the order needs slight modification. Accordingly, the order of the learned Single Judge in respect of pension and gratuity alone is set aside.

5. In view of the submission made by the learned Government Advocate before the learned Single Judge, the eligible amount in entirety will have to be paid to the writ petitioner/respondent herein and we see no reason to interfere with the order passed by the learned Single Judge. Hence, the writ appeal stands dismissed.

6. Since the time limit given by the learned Single Judge has already expired, two months time from the date of receipt of a copy of this order is granted to the appellants to disburse the entire amount to which the writ petitioner is eligible. No costs. Connected C.M.P. is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

nv

To

1. The Secretary to Government,
School Education (OP2) Department,
Fort St. George,
Chennai - 600009.
2. The Under Secretary to Government,
School Education (OP2) Department,
Fort St. George, Chennai - 600009.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.54535
+1cc to the Government Pleader, S.R.No.55033

W.A. No. 1907 of 2021

NK(CO)
CT 25/01/2022