

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6905 of 2021 and

WMP No.7458 of 2021

K.Manoharan

... Petitioner

-vs-

1. Secretary to Government of Pondicherry,
Higher & Technical
Education Department,
Chief Secretariat,
Puducherry.

2. Director of Higher & Technical Education,
Puducherry.

3. Principal
Arignar Anna Government Arts & Science College,
Karaikal,
Puducherry - 609 605. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay and disburse petitioners all retirement benefits with grant of pension including accumulated arrears of pension payable to the petitioner from the date of petitioner's retirement on 30.04.2020 with interest at 12%.

For Petitioner : Mr.K.Sellathurai

For Respondents: Mr.Stalin Abhimanyu

O R D E R

This Writ petition is filed, seeking a direction to the respondents to pay and disburse petitioner's all retirement benefits with grant of pension including accumulated arrears of pension payable to the petitioner from the date of his retirement on 30.04.2020 with interest @ 12%.

2. Mr.Stalin Abhimanyu, learned counsel takes notice for respondents. By consent, final orders are passed in the Writ Petition at the admissions stage.

3. It is the case of the petitioner that he worked as Associate Professor in Economics in the third Respondent College and was awarded a certificate of excellence on 01.10.2016 for his meritorious services and outstanding performance by Rashtriya Gavray Award. It is the further case of the petitioner that though the petitioner attained Superannuation on 30.04.2020, the respondents have neither settled the retirement benefits not sanctioned pension to him, which forced him to send a representation dated 15.02.2021 to the third respondent to settle his retirement benefits and there was no decision taken thereon till date. Hence, the petitioner has approached this Court seeking for the aforesaid relief.

4. Learned counsel for the respondents, on instructions, submits that an F.I.R. is pending against the petitioner.

5. In reply to the above, learned counsel for the petitioner reports that he has no instructions about the F.I.R. pending against the petitioner.

6. It is represented by the respondents that an FIR is pending against the petitioner. Though it was argued on the side of the petitioner that he was awarded a certificate of excellence, had an FIR been registered against the petitioner, in all fairness, the petitioner should have informed the said factum to this Court, which he has not done.

7. Be that as it may, though a large direction is sought for, learned counsel for the petitioner has restricted the relief to the extent of consideration of the representation of the petitioner, Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the third respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents, more particularly, 3rd respondent herein to consider the representation preferred by the petitioner dated 15.02.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as

personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 3rd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 15.02.2021 and this order, to the 3rd respondent forthwith;

v) The 3rd respondent is 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 petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. 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 delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petitions is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

1. Secretary to Government of Pondicherry,
Higher & Technical
Education Department,
Chief Secretariat,
Puducherry.
2. Director of Higher & Technical Education,
Puducherry.

3. Principal

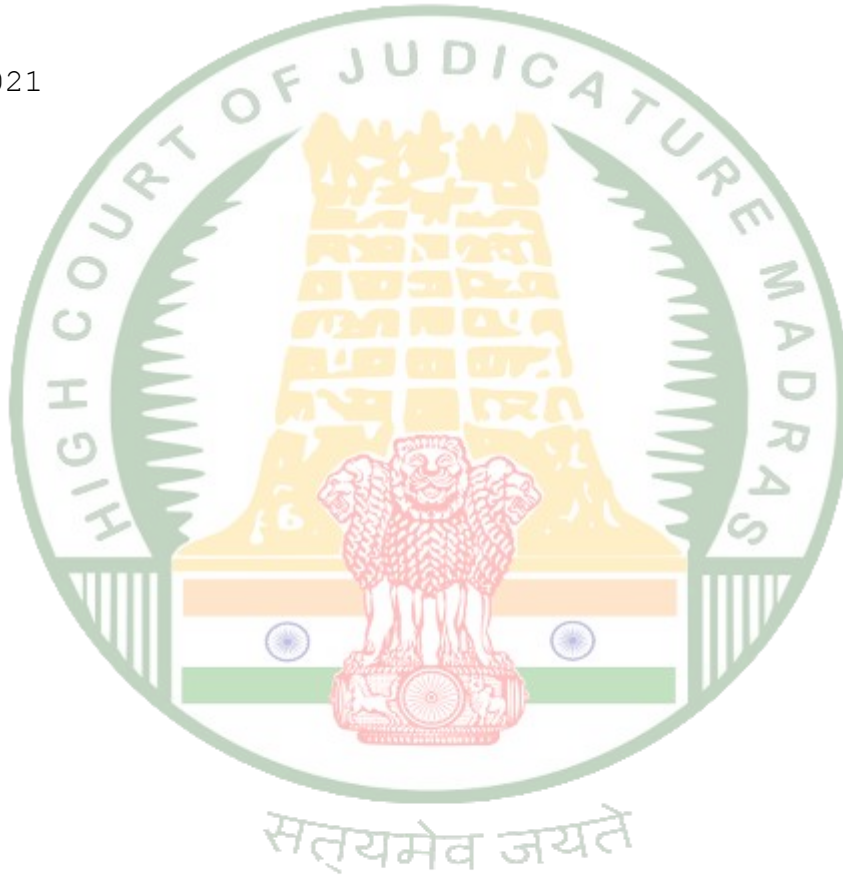
Arignar Anna Government Arts & Science College,
Karaikal,
Puducherry - 609 605.

+1 cc to government Pleader for puducherry sr17646

+1 cc to Mr.K.Sellathurai Advocate sr17270

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