

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.3494 of 2012

N.Krishnamoorthy

...Petitioner

-Vs-

1.The Director of Elementary Education
Chennai - 600 006.

2.The District Elementary Educational Officer
Namakkal.

3.The Accountant General (A&E)
Tamil Nadu,
Chennai 600 018.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the directing the respondents to sanction all pensionary and retirement benefits to the petitioner forthwith with 12% interest per annum consequent on his retirement on 30.09.2011 A.N. and also to award costs of this petitioner.

For Petitioners : Mr.M.Ravi

For Respondents : Mr.S.Suresh Kumar,
Government Advocate
for RR 1 and 2

Mr.V.Murali - for R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to sanction all pensionary and retirement benefits to the petitioner forthwith with 12% interest per annum consequent on his retirement on 30.09.2011 A.N. and also to award costs of this petitioner.

2. The petitioner lastly served as Assistant Elementary Educational Officer in the respondent Department and he retired

from service on 30.09.2011. Despite his retirement on superannuation, and there was no disciplinary proceedings pending against him, and he was permitted to retire peacefully on the said date, subsequently his D.C.R.G., as well as pensionary benefits including commutation of pension has not been sanctioned and therefore, in order to get the same, though the petitioner has given a representation dated 21.11.2011, since the same has not been considered, he has filed this writ petition with the aforesaid prayer.

3. Today when the case is taken up for final hearing, Mr.V.Murali, learned Standing Counsel for the third respondent, on instructions, would submit that, the pension papers of the petitioner was considered and cleared by the third respondent by order dated 04.04.2012, by which the pensionary benefits from 01.10.2011 has been calculated and paid. He further submitted that, a sum of Rs.8,76,216/- has been paid as Gratuity, a sum of Rs.5,62,632/- was paid as commutation pension and the regular monthly pension of Rs.16,805/- was sanctioned and is being paid to the petitioner and such pension, time and again, would be enhanced depending upon the Pay Commission recommendations. By stating the aforesaid development, the learned Standing Counsel for the third respondent would submit that, the prayer sought for has been accomplished and that nothing survives in this writ petition.

4. Though there is no instruction to that effect as per the learned counsel for the petitioner, this Court is of the view that, the aforesaid facts submitted by the learned Standing Counsel for the third respondent, who is the sanctioning authority to sanction the retirement benefits in respect of the petitioner, can be taken into account by this Court and accordingly, recording the same, this writ petition can be disposed of.

5. Therefore, the writ petition is disposed of, as the prayer sought for by the petitioner has been accomplished. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Director of Elementary Education
Chennai - 600 006.
- 2.The District Elementary Educational Officer
Namakkal.
- 3.The Accountant General (A&E)
Tamil Nadu,
Chennai 600 018.

+1cc to M/s.M.Ravi, Advocate, S.R.No.14074

+1cc to the Government Pleader, S.R.No.14193

W.P.No.3494 of 2012

PL(CO)
RN(11/05/2021)