



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 28.06.2021**

**CORAM:**

**THE HONOURABLE MS.JUSTICE V.M.VELUMANI**

**W.P(MD)No.10680 of 2021**

WEB COPY

Joseph John Stephen

... Petitioner

vs.

1.The District Educational Officer,  
Paramakudi,  
Ramnad District.

2.The Secretary,  
Rowther Sahib High School,  
Teriruveli-623 711,  
Ramnad District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's request for re-fixation of his pension by counting his service in unsanctioned posts in second respondent school from 15.09.1984 till 01.06.1991 by disposing his request on 17.03.2020 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.P.Subbaraj  
Government Advocate

**ORDER**

The petitioner has filed the present writ petition for a direction to the respondents to consider the petitioner's request for re-fixation of his pension by counting his service in unsanctioned posts in the second respondent school from 15.09.1984 till 01.06.1991 by disposing his request on 17.03.2020 within a stipulated time.

2.Mr.P.Subbaraj, learned Government Advocate takes notice on behalf of the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.



4. According to the petitioner, he was appointed as Record Clerk on 05.09.1984 in the second respondent School, which is aided minority School in unsanctioned post and Junior Assistant from 01.07.1988. The post of Junior Assistant was sanctioned by G.O.Ms.No.450, School Education (D1) Department, dated 08.05.1992 to the second respondent School. The petitioner's appointment was approved by the first respondent to the said post with effect from 01.06.1991. Subsequently, he attained the age of superannuation and retired from service on 30.04.2020. The period, in which, the petitioner worked from 05.09.1984 to 01.06.1991 was not taken into consideration for fixation of pension and other retirement benefits. Hence, the petitioner has made representation, dated 17.03.2020, for re-fixation of his pension, considering his service in unsanctioned posts for the second respondent School from 05.09.1984 to 01.06.1991 and has come out with the present writ petition. Learned counsel for the petitioner relied on the order of this Court, dated 12.02.2019 made in W.P(MD)Nos.3037 to 3039 of 2019 in support of his case.

5.The learned Government Advocate appearing for the respondents submitted that the representation of the petitioner, dated 17.03.2020 would be considered on merits in the light of the judgment of this Court, dated 26.06.2008 made in W.A(MD)Nos.291 and 292 of 2008 within the period stipulated by this Court.

6.Considering the above submissions of the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents, the first respondent is directed consider the representation of the petitioner, dated 17.03.2020 in light of the judgment rendered in W.A.(MD)Nos.291 & 292 of 2008, dated 26.06.2008 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am



**Note :**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The District Educational Officer,  
Paramakudi,  
Ramnad District.

2.The Secretary,  
Rowther Sahib High School,  
Teriruvveli-623 711,  
Ramnad District.

+1 CC to M/s.SPL GP ( SR-20576[F] dated 29/06/2021 )

+1 CC to M/s.T.A.EBENEZER, Advocate ( SR-20599[F] dated 29/06/2021 )

**W.P(MD)No.10680 of 2021  
28.06.2021**

KMV(CO)  
TR(07.07.2021) 3P 5C