



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.7191 of 2017

S.Shymala

.. Petitioner

Vs

1.The chief Educational Officer,
Collectorate Complex,
Karur District,
Karur.

2.The District Educational Officer,
Collectorate Complex,
Karur District,
Karur.

3.The Headmaster,
Government High School,
Mayanoor,
Karur District.

.. Respondents

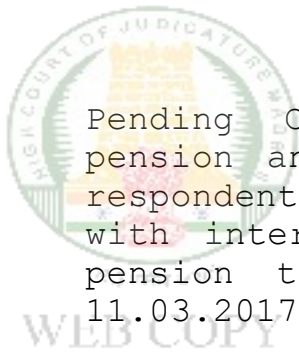
Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to issue No Charge Pending Certificate, No Dues Pending Certificate, Non-Payment Certificate for provisional pension and Re-employment Certificate and further directing the respondents to disburse pension and other all monetary benefits with interest at the rate of 12% per annum on the arrears of pension to the petitioner based on the representation dated 11.03.2017 within a time frame fixed by this Court.

For Petitioner	: Mr.B.Saravanan
For Respondents	: Mr.C.M.Marichelliah Prabhu Additional Government Pleader

O R D E R

The writ petition has been filed seeking a direction to the respondents to issue No Charge Pending Certificate, No Dues

<https://hcservices.ecourts.gov.in/hcservices/>

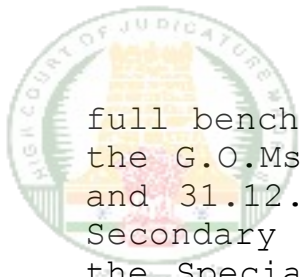


Pending Certificate, Non-Payment Certificate for provisional pension and Re-employment Certificate and further directing the respondents to disburse pension and other all monetary benefits with interest at the rate of 12% per annum on the arrears of pension to the petitioner based on the representation dated 11.03.2017 within a time frame.

2. The case of the petitioner is that the petitioner was appointed as Music Teacher at Government Higher School, Mayanoor, Karur District on 19.01.1983 and retired from service on 31.08.2016 on attaining the age of superannuation. Thereafter, pension was not paid to the petitioner. Subsequently, the petitioner received a communication from the Treasury Officer, Trichy Treasury, dated 03.01.2017 requesting the petitioner to produce No Charge Pending Certificate, No Dues Pending Certificate and Non-Payment Certificate, in order to disburse pension and other benefits to the petitioner. Hence, the petitioner made a representation dated 05.01.2017 to the 3rd respondent in this regard, but no action was taken on the said representation. Hence, the petitioner sent another representation dated 18.1.2017 to the respondents 1 and 2 to direct the 3rd respondent to issue the relevant certificates to enable the petitioner to get pensionary benefits and other benefits. Since the same was not considered, the present writ petition has been filed with the above said prayer.

3. The learned counsel for the petitioner would submit that pending writ petition, the petitioner's monthly pension was disbursed, however, other benefits are not settled and the relevant certificates sought for by the petitioner were not issued. Hence, it would suffice if a direction is issued to the respondents to pay the arrears, if any, and to issue necessary certificates as required.

4. Per contra, the learned Additional Government Pleader appearing for the respondents filed counter and would submit that the petitioner's retirement benefits were settled on the basis of G.O.Ms.No.216 dated 22.03.1993 and the benefits are extended to all the Secondary Grade Teachers of Higher Secondary Schools on par with the Primary School Headmasters and this concession was made available to those, who were in service between the period between 1.6.1988 and 31.12.1995 and retired. It is pertinent to note that the petitioner although was in service in the period between 01.6.1988 and 31.12.1995, she retired from service only on 31.8.2016. However, the petitioner was awarded Selection Grade with effect from 19.1.1993 and an amount of Rs.12,47,579/- was drawn and paid to the petitioner. It was further ordered that the said fixation was subject to the final orders in Review Petition No.227 of 2015 etc., batch cases. In the said review petition, the



full bench of this Court has directed the government to implement the G.O.Ms.No.216 dated 22.6.1993 for the period between 1.6.1988 and 31.12.1995, on and from 1.3.2017 onwards, in respect of the Secondary Grade Teachers of Higher Secondary Schools including the Special Teachers, who attained Selection/Special Grade during the above said period, on par with the pay scale of Primary School Headmasters. It is further made clear that the benefits as directed above, shall be extended to the parties, who are before this Court alone and no fresh Writ Petitions would be entertained on and from 9.12.2016. So, in view of the above, the excess amount paid in favour of the petitioner has to be deducted from the disbursed amount and other benefits shall be issued.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6. The said submissions made by the learned Additional Government Pleader is recorded. However, the respondents are directed to consider the petitioner's request and disburse terminal benefits, if any, in terms of the order passed in Review Petition No.227 of 2015 dated 9.12.2016 within a period of six(6) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 chief Educational Officer,
Collectorate Complex,
Karur District,

Karur

<https://hcservices.ecourts.gov.in/hcservices/>



2.The District Educational Officer,
Collectorate Complex,
Karur District,
Karur.

3.The Headmaster,
Government High School,
Mayanoor,
Karur District.

+1 CC to M/s.B.SARAVANAN, Advocate (SR-11265[F] dated
16/03/2021)

+1 CC to M/s.SPL GP (SR-11525[F] dated 16/03/2021)

+1 CC to M/s.B.SARAVANAN, Advocate (SR-52505[F] dated
08/03/2019)

W.P. (MD) .No.7191 of 2017
15.03.2021

PM(CO)
AS(13.05.2021) 4P 7C