



WEB COPY



W.P.No.9261 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.9261 of 2019

T.Ramalingam

...Petitioner

Vs.

- 1.The District Elementary Educational Officer,
Cuddalore, Cuddalore District.
- 2.The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Office,
Neyveli, Cuddalore District – 607 801.
- 3.The District Educational Officer,
Vadalore, Cuddalore District.
- 4.Mr.Shanmugam

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 3rd respondent to pass orders on the representation of the petitioner dated 25/10/2017 requesting for the documents relating to pension benefits.



W.P.No.9261 of 2019

For Petitioner : Mr.S.Sairam

For Respondents : Mr.S.Yashwanth
Additional Government Pleader
for R1 to R3

Dr.R.Gowri for R4

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to pass orders on the representation submitted by the petitioner dated 25.10.2017.

2.The writ petitioner was holding the post of Head Master in the 4th respondent Aided Elementary School and retired from service on 30.11.2015, on attaining the age of superannuation. The grievance of the writ petitioner is that the terminal and pensionary benefits due to him are yet to be settled.

3.The learned counsel appearing on behalf of the 4th respondent Aided Elementary School objected the contentions raised by the petitioner's petitioner by stating that the records of the School are yet to be surrendered by



W.P.No.9261 of 2019

the writ petitioner and therefore, they are not in a position to submit all necessary proposal to the competent authorities for sanctioning pension. In this regard, enquiry proceedings are going on and the writ petitioner has already filed several other writ petitions before this Court.

4.The learned Additional Government Pleader made a submission that the proposal in a prescribed format is to be submitted by the 4th respondent School to the competent authority of the Education Department and thereafter, it is to be considered by following the Rules in force.

5.It is brought to the notice of this Court that the petitioner and the 4th respondent Secretary of the Aided Elementary School are relatives. The learned counsel for the petitioner states that there is a personal motive in not sending the petitioner's pension proposal to the competent authorities.

6.In order to resolve the issue in a practical manner, enabling the petitioner to get his pension as per the Rules, this Court is inclined to direct the



W.P.No.9261 of 2019

petitioner and the 4th respondent to appear before the 1st respondent District Elementary Educational Officer, Cuddalore along with all relevant files, who in turn shall verify the necessary records and handover the School records to the 4th respondent enabling the 4th respondent to submit necessary necessary pension proposal to the competent authorities, for the purpose of sanctioning the pension.

7. In this regard, the 1st respondent is directed to fix a date and time and issue notice to the writ petitioner and the 4th respondent directing them to submit all the relevant records and the petitioner more specifically shall furnish the school records available with him which is to be returned back to the 4th respondent School administration. In the event of handing over all the School records by the petitioner to the 4th respondent through 1st respondent, the pension proposals are to be submitted by the 4th respondent School for taking appropriate action and settlement of terminal and pensionary benefits due to the writ petitioner. The said exercise is directed to be completed, within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.No.9261 of 2019

8. Accordingly, this writ petition stands disposed of. No Costs.

28.11.2022

Index : Yes / No
Internet : Yes / No
Speaking order : Yes / No
ssr

To

1. The District Elementary Educational Officer,
Cuddalore, Cuddalore District.
2. The Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Office,
Neyveli, Cuddalore District – 607 801.
3. The District Educational Officer,
Vadalore, Cuddalore District.
Vadalore, Cuddalore District.



WEB COPY



W.P.No.9261 of 2019

S.M.SUBRAMANIAM, J.

SSI

W.P.No.9261 of 2019

28.11.2022