



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.695 OF 2014

M.Kurshid Tameesudin

... Petitioner

Vs.

The Director,
Directorate of School Education,
DPI Complex,
College Road, Madras - 6.

... Respondent

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the proceedings O.Mu.En 51601/R1/E2/2012 dated 02.08.2012 on the file of the respondent and to quash the same as illegal pay the retirement service benefits due to the husband of the petitioner.

For Petitioner : Mr.N.Muthukrishnan

For Respondent : Mr.M.Bindran
Additional Government Pleader

ORDER

The order impugned, rejecting the claim of the husband of the writ petitioner for counting the untrained period of service for reckoning the qualifying service for calculation of pension is under challenge in the present writ petition.

2. The petitioner states that her Late husband Mr.Mohammed Tameesudin was working as a School Teacher in Government Boys Higher Secondary School, Arcot, Vellore District. He was initially served as an untrained Teacher for a period from 04.01.1966 to 20.04.1967. Thereafter, he was further worked as untrained Teacher between 24.11.1967 to 19.04.1969. The husband of the petitioner was ousted from service as he was working as untrained Teacher. Thereafter, he was absorbed as a regular Teacher with effect from 29.06.1970 and served as a regular



Teacher in the sanctioned post. The husband of the writ petitioner attained the age of Superannuation on 31.10.1997 and retired from service. The husband of the writ petitioner was receiving pension and he died on 18.09.2002, after a lapse of about 5 years from the date of his retirement.

3. In the year 2002, the husband of the writ petitioner submitted a representation to the respondent and before passing orders by the respondent, the husband of the writ petitioner died. The petitioner pursued the representation and the claim of the husband of the writ petitioner for counting the untrained period of service was rejected.

4. The learned counsel for the petitioner mainly contended that the similar benefit was granted to another person and therefore, the petitioner is also eligible to get the same benefit.

5. This Court is of the considered opinion that the similarity of the cases in respect of untrained period of service cannot be considered after a lapse of many years. The husband of the writ petitioner retired from service in the year 1997 and died in the year 2002. When he was in service, he had not pursued the remedy. After five years from the date of retirement, the husband of the writ petitioner sent a representation and thereafter died. The impugned order had been passed in the year 2012 and the writ petition has been filed in the year 2014. At every stage, there was a delay in pursuing the matter and even, there was an enormous delay for initiating the action to redress the grievances. An employee, who slept over his right for long years, cannot wake up one fine morning and knock the doors of the Court.

6. In the present case, the writ petition has been filed belatedly and further, the reasons stated in the impugned order is that there is no rule to calculate the untrained period of service for the purpose of grant of pension or family pension to the writ petitioner. This being the factum, the petitioner has not established any acceptable ground for the purpose of considering the relief and accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

The Director,
Directorate of School Education,
DPI Complex,
College Road, Madras - 6.

+1cc to the Government Pleader, S.R.No.34527

W.P.No.695 of 2014

PL (CO)
RLP (21/06/2022)