



WP(MD)No.13700 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.06.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.13700 of 2022

Mariya Anthony Micheal,
Head Master (Retired),
R.C.Primary School,
Ayankulam,
Tirunelveli District.

... Petitioner

/vs./

1.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The Block Educational Officer,
Palayamkottai Rural,
Tirunelveli District.

3.The Correspondent,
R.C.Primary School,
Ayankulam,
Konkanthanparai Post,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to issue no objection certificate to the petitioner enabling to get his pension amount by considering the petitioner's representation, dated 16.04.2022.



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For Petitioner : Mr.S.R.Anbarasu
For R-1 & R-2 : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner herein has given a representation, dated 16.04.2022, claiming retirement benefits, by stating that he had retired as a Head Master of R.C.Primary School.

2.Earlier, the petitioner herein had filed a Writ Petition in W.P.(MD)No. 11998 of 2014 before this Court, for the same relief, which came to be allowed, as against which, the Department had filed an appeal in W.A.(MD).No.888 of 2020. In the writ appeal, as an interim measure, the Hon'ble Division Bench had directed the Authorities to dispose of the pension proposal. At this stage, the petitioner had also filed a Contempt Petition in Cont.P(MD)No.666 of 2021, alleging disobedience. When the contempt petition was taken up for disposal on 14.07.2021, the Hon'ble Division Bench had recorded the written instructions given by the learned Government Pleader and by taking note of the total recoverable amount from the petitioner and by calculating the gratuity payable,



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had recorded that a sum of Rs.2,79,135/- is yet to be recovered from the petitioner. In this background, the Hon'ble Division Bench had closed the contempt petition by observing that there was no wilful disobedience. The petitioner is now re-agitating the same issue, by way of sending a representation. When the Hon'ble Division Bench has already closed the contempt petition by holding that no amount is payable to the petitioner and a sum of Rs.2,79,135/- is yet to be recovered from the petitioner, the present claim for retirement benefits is not maintainable.

3. As such, I do not find any merits to entertain the present Writ Petition.

Accordingly, the Writ Petition stands dismissed. No costs.

30.06.2022

Index : Yes / No

Internet : Yes / No

btr/TM

To

1.The District Educational Officer,
Tirunelveli District,
Tirunelveli.

2.The Block Educational Officer,
Palayamkottai Rural, Tirunelveli District.

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M.S.RAMESH, J.

btr/TM

Order made in
W.P.(MD)No.13700 of 2022

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30.06.2022