



W.P.Nos.23560 to 23563 of 2015

W.P.Nos.23560 to 23563 of 2015

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G.K.ILANTHIRAIYAN, J.

At the instance of the learned counsel appearing for the petitioners, today this matter has been posted under the caption “for being mentioned”.

2. The learned counsel for the petitioners would submit that due to inadvertence, on 27.07.2023, he submitted before this Court as if the prayer sought for in these writ petitions has become infructuous. However, the prayer has not become infructuous since the petitioners still did not receive 5% of their pension benefits.

3. Therefore, it is ordered that the entire order dated 27.07.2023 in WP.Nos.23560 to 23563 of 2015 shall read as follows:

“These writ petitions have been filed for direction directing the second respondent herein to disburse pension to the petitioners without any deduction and to release all withheld sums as on date within a short time



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frame to be fixed by this Court.

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2. *It is seen that all the petitioners were retired as Teacher from the aided school i.e. Immaculate Heart of Mary Higher Secondary School, Church Street, Ariyankuppam, Puducherry. The said school is a Government aided school. According to Rule 32 of Pondicherry School Education Rules, 1996, the Government may be paid grant-in-aid from the consolidated fund subject to the Government Order and instruction issued from time to time. Accordingly, 95% would be borne out by the first respondent and 5% should be collected from the respective managements to draw and disburse of pensionary benefits. The case of the petitioners is that the second respondent failed to collect 5% of the management's contribution and as such, the petitioners were not settled their 5% of pensionary benefits.*

3. *Mr.R.Syed Mustafa, the learned Special Government Pleader (Pondy) appearing for the respondents submitted that the school management from which the petitioners were retired from service i.e.*



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Immaculate Heart of Mary Higher Secondary School, Church Street,

Ariyankuppam, Puducherry challenged the order passed by the second respondent dated 29.10.2014, thereby the management was directed to remit 5% of pension and terminal benefits in respect of the retired teachers including the petitioners herein.

4. *Heard, the learned counsel appearing on either side.*

5. *In a batch of writ petitions in WP.Nos.1035 to 1040 of 2015, in which this Court held that the management was directed to remit 5% of pension payable to the retired employees of the Government aided school under the Act. The pension grant of 95% has to be paid by the Government and 5% has to be paid by the respective institutions. This being the provisions of the statute, the order passed by the second respondent to remit 5% of their share cannot be construed as perverse and all the writ petitions were dismissed by an order dated 30.11.2021. Even then, the school management failed to contribute their 5% of pensionary benefits to all the retired teachers.*



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Though the second respondent is duty bound to collect the said amount from the concerned management authorities, even after passing the order dated 29.10.2014, which was also challenged and dismissed by this Court in WP.Nos.1035 to 1040 of 2015 by an order dated 30.11.2021, the school management failed to remit their share of 5%.

6. *In view of the above, the second respondent is directed to take appropriate steps to collect the managements' shares of 5% payable to the retired teachers such as petitioners herein within a period of four weeks from the date of receipt of copy of this order. It is made clear that the school management already challenged the order passed by the second respondent and the same were also dismissed by this court. Therefore, the second respondent shall take stringent action as against the school management for remittance of their shares of 5% of pension benefits.*

7. *With the above directions, all the writ petitions are disposed of. There shall be no order as to costs."*



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4. The Registry is directed to issue a fresh order copy in WP.Nos.23560 to 23563 of 2015 dated 27.07.2023 after making necessary corrections.

09.08.2023

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G.K.ILANTHIRAIYAN, J.

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09.08.2023



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W.P.Nos.23560 to 23563 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.23560 to 23563 of 2015

WP.No.23560 of 2015

G.L.Chinnappan

... Petitioner

Vs.

- 1.The Government of Puducherry,
Represented by its Chief Secretary,
Education Department,
Puducherry
 - 2.The Director of School Education,
“A” Block, I Floor,
Perunthalaivar Kamaraj Centenary,
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry 605 005
Puducherry
- Respondents

...

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent herein to disburse pension to the petitioner herein full without any deduction and to release all withheld sums as on date within a short time frame to be fixed by this Court.

For Petitioner : Ms.Jyotsna Sivakumar
for Mr.TK.Bhaskar



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W.P.Nos.23560 to 23563 of 2015

For Respondents : Mr.R.Syed Mustafa,
Special Government
Pleader(Pondy)

WP.No.23561 of 2015

S.Swaminathan

... Petitioner

Vs.

1.The Government of Puducherry,
Represented by its Chief Secretary,
Education Department,
Puducherry
2.The Director of School Education,
“A” Block, I Floor,
Perunthalaivar Kamaraj Centenary,
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry 605 005
Puducherry
Respondents

...

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent herein to disburse pension to the petitioner herein full without any deduction and to release all withheld sums as on date within a short time frame to be fixed by this Court.

For Petitioner : Ms.Jyotsna Sivakumar
for Mr.TK.Bhaskar

For Respondents : Mr.R.Syed Mustafa,
Special Government
Pleader(Pondy)



W.P.Nos.23560 to 23563 of 2015

WP.No.23562 of 2015

M.A.Joseph
Petitioner

...

Vs.

- 1.The Government of Puducherry,
Represented by its Chief Secretary,
Education Department,
Puducherry
 - 2.The Director of School Education,
“A” Block, I Floor,
Perunthalaivar Kamaraj Centenary,
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry 605 005
Puducherry
- Respondents

...

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent herein to disburse pension to the petitioner herein full without any deduction and to release all withheld sums as on date within a short time frame to be fixed by this Court.

For Petitioner : Ms.Jyotsna Sivakumar
for Mr.TK.Bhaskar

For Respondents : Mr.R.Syed Mustafa,
Special Government
Pleader(Pondy)

WP.No.23563 of 2015

Anthony Adaikalaraj

... Petitioner



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Vs.

- 1.The Government of Puducherry,
Represented by its Chief Secretary,
Education Department,
Puducherry
 - 2.The Director of School Education,
“A” Block, I Floor,
Perunthalaivar Kamaraj Centenary,
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry 605 005
Puducherry
- Respondents

...

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the second respondent herein to disburse pension to the petitioner herein full without any deduction and to release all withheld sums as on date within a short time frame to be fixed by this Court.

For Petitioner : Ms.Jyotsna Sivakumar
for Mr.TK.Bhaskar

For Respondents : Mr.R.Syed Mustafa,
Special Government
Pleader(Pondy)

COMMON ORDER

These writ petitions have been filed for direction directing the second respondent herein to disburse pension to the petitioners without any deduction and to release all withheld sums as on date within a short time frame



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to be fixed by this Court.

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2. The learned counsel for the petitioners submitted that the prayer sought for in these petitions has become infructuous. Therefore, nothing survives in these petitions for further adjudication.

3. The learned Special Government Pleader appearing for the respondents submitted that already the same issue was decided as against the petitioners.

4. The above submission of the learned Special Government Pleader is recorded and all the writ petitions are dismissed as infructuous. There shall be no order as to costs.

27.07.2023

Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order

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G.K.ILANTHIRAIYAN, J.

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To

- 1.Chief Secretary,
The Government of Puducherry,
Education Department,
Puducherry
- 2.The Director of School Education,
“A” Block, I Floor,
Perunthalaivar Kamaraj Centenary,
Educational Complex, 100 ft Road,
Anna Nagar, Puducherry 605 005
Puducherry
- 3.The Government Advocaote,
Madras High Court

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