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W.P.No.8860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8860 of 2022 and
W.M.P.Nos.8687 & 24086 of 2022

S.Kudiyarasu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Department of School Education,
Fort St.George, Chennai 600 009.

2.The Managing Director,
Chennai Metro Water and Sewerage Board,
Head Office, Chindatripet,
Chennai 600 002.

3.The General Manager,
Chennai Metro Water and Sewerage Board,
Head Office, Chindatripet,
Chennai 600 002.

4.The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.

5.The Headmaster,
Govt. Higher Secondary School,
Pallikaranai, Chennai 600 100.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records on the file of the second respondent relating to the order issued in



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CMWSS/Ma.Ni/Pa3/23790/2021 dated 16.12.2021 and quash the same and consequently direct the respondents to take into account of 21 years of service i.e., for the period from 12.11.1987 to 30.11.2008 rendered in the second respondent Board and to include the said period with that of 6 years of service i.e., for the period from 27.08.2008 to 30.11.2008 rendered in the first respondent-Education Department for granting regular pension to the petitioner.

For Petitioner : Mr.S.Kudiyarasu,
Party-in-Person

For Respondents : Mr.P.Balathandayutham,
Special Government Pleader-R1, R4 & R5
Mr.Krishna Ravindran-R2 & R3

ORDER

This Writ Petition has been filed to quash the impugned order in CMWSS/Ma.Ni/Pa3/23790/2021, dated 16.12.2021 passed by the 2nd respondent and consequently direct the respondents to take into account of 21 years of service i.e., for the period from 12.11.1987 to 30.11.2008 rendered in the 2nd respondent Board and to include the said period with that of 6 years of service i.e., for the period from 27.08.2008 to 30.11.2008 rendered in the 1st respondent-Education Department for granting regular pension to the petitioner.

2.The case of the Writ Petitioner is that initially the petitioner joined as Vocational Teacher in the Government Higher Secondary School,



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Ponparappi, Tiruchirapalli District on 05.07.1979 and thereafter, he was appointed as Depot Manager in Chennai Metro Water and Sewerage Board on the basis of employment exchange seniority and he continuously worked in the board for 21 years. Again, the petitioner's name was sponsored by the professional employment for appointment in the post of Post Graduate Teacher to the Teachers Recruitment Board and accordingly, he was appointed on 27.08.2008. Prior to joining the post of Post Graduate Teacher, the petitioner voluntarily retired from the post of Depot Manager. The petitioner has given representation to the 1st respondent to take into account of 21 years of service rendered in the 2nd respondent Board with the service rendered in the School Education Department and the same was rejected *vide* order, dated 09.05.2018. Aggrieved over the same, an appeal was preferred by the petitioner on 25.10.2021 to the 2nd respondent and the same was also rejected *vide* order, dated 16.12.2021 and the same is under challenge.

3.During submissions, it is brought to the notice of this Court that one of the document which relied upon by the petitioner, particularly, relieving order, dated 28.08.2008 from the post of Depot Manager, is forged



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and fabricated. This fact has been established by the other side. When the same was pointed out by this Court, the learned counsel appearing for the petitioner agreed to withdraw this Writ Petition and accordingly, the matter is posted under the caption 'For Withdrawal'. Today, the learned counsel for the petitioner submitted that he is withdrawing his vakalath and the party in person is present.

4.Considering the fact that the petitioner has come before this Court with forged documents, he does not deserve to be heard. Accordingly, this Writ Petition stands dismissed with cost of Rs.5,000/- (Rupees five thousand only). The cost has to be paid to the Madras High Court Advocate Clerk Association, Chennai, within one week, from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed.

15.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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N.SATHISH KUMAR, J.
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