



W.P.No.18411 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.18411 of 2022

K.Chinnugoundan

... Petitioner

Versus

1.The Director of School Education,
DPI Complex, College Road,
Chennai – 600 006.

2.The Joint Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Namakkal,
Namakkal District.

4.The Headmaster,
Government Higher Secondary School,
Thirumalaipatti Post,
Namakkal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or order or direction in the nature of writ directing the respondents to prepare the duplicate service records of the petitioner as per the proceedings of the 3rd respondent in Na.Ka.No.1029/A1/2007, dated 02.05.2008 and settle the salary arrears, pension benefits and other service benefits with interest.



WEB COPY



W.P.No.18411 of 2022

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.V.Jeevasiridharan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to prepare duplicate service records of the petitioner as per the proceedings of the 3rd respondent in Na.Ka.No.1029/A1/2007, dated 02.05.2008 and settle the salary arrears, pension benefits and other service benefits with interest.

2.The petitioner originally appointed as B.T. Assistant on 23.06.1969. In the year 1985, that is on 17.01.1985, he was transferred and the same was put into challenge in W.P.No.1032 of 1985. Thereafter, the above said Writ Petition appears to be transferred to the Tamil Nadu Administrative Tribunal, Chennai and renumbered as O.A.No.2835 of 1991. However, the said challenge has been dismissed on 27.09.2002. In the meanwhile, the petitioner retired from the service on 31.01.2002, but till today the retirement benefits have not been settled to the petitioner mainly on the ground that the files relating to service records handed over to the



W.P.No.18411 of 2022

Government Pleader Office in the Writ Petition, have not been got back.

Therefore, the service benefits could not be paid to the petitioner.

3.On perusal of the entire records, this Court is of the view that the authorities are acting in lethargic manner without any responsibilities. When the files have been lost, it is bounden duty of the authorities to reconstruct the files then and there. On the other hand, the entire service benefits have been withheld from the year 2002 without taking any positive steps in this regard. The retirement benefits is only a livelihood of the person who retired from the service. The respondents have acted in callous manner just blaming each other only on the ground that the files were not returned from the Government Pleader Office.

4.In such view of the matter, this Court directs the respondents to reconstruct the files within a period of two months from the date of receipt of a copy of this order and send the pensionary proposal to the concerned Account General Office thereafter within one month.



W.P.No.18411 of 2022

WEB COPY

5. With the above directions, this Writ Petition is allowed. No

costs.

10.07.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

vv2

To

1. The Director of School Education,
DPI Complex, College Road,
Chennai – 600 006.
2. The Joint Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Namakkal,
Namakkal District.
4. The Headmaster,
Government Higher Secondary School,
Thirumalaipatti Post,
Namakkal District.



WEB COPY



W.P.No.18411 of 2022

N.SATHISH KUMAR, J.
vv2

W.P.No.18411 of 2022

10.07.2023