



WEB COPY



W.P.No.18741 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.18741 of 2020

R.Arulmozhi

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Cuddalore District,
Cuddalore 607 001.

3.The District Educational Officer,
Vridhachalam,
Cuddalore 606 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to consider the representation dated 15.10.2020 made by the petitioner for sanctioning and disbursement of retirement benefits.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.T.Arunkumar, GA



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ORDER

This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the respondents to consider the representation dated 15.10.2020 made by the petitioner for sanctioning and disbursement of retirement benefits.

2. Heard Mr.A.Prabhakaran, learned counsel for the petitioner and Mr.T.Arunkumar, learned Government Advocate appearing for the respondents.

3. The petitioner was appointed on compassionate ground as PG Assistant on 21.02.1989 and posted at Government School, Thakollam, Vellore District. Subsequently, he was transferred and posted at Veppur Government School. At the time of Superannuation, she was working at Virudhachalam Girls Government School. His services were regularised with effect from 21.02.1989 through G.O.2(D).No.13 dated 10.06.2020 in conformity with G.O.No.720 dated 28.04.1981. Despite he was to retire on 31.07.2018 his services were extended for some time and he was relied from service only on 31.05.2019. At that point of time his last



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drawn salary was Rs.72,700/-. However his retirement benefits and pension were not issued to him in view of the civil dispute pending in O.S.No.151 of 2018 on the file of Sub Court, Virudachalam.

4. The learned counsel for the petitioner submitted that the petitioner approached the competent authorities on several occasions, but no fruitful action has been taken so far. Mere pendency of the Civil Suit cannot be a reason to withhold the release of retirement benefits. Therefore, the petitioner has filed this Writ Petition seeking direction to consider the last representation given to the respondents on 15.10.2020 and pass orders for sanctioning pension and disbursement of retirement benefits.

5. The learned Government Advocate appearing for the respondents submitted that the suit has been filed by the third person by name Karunanithi for recovery of money and in which, an attachment has been ordered by the Court and hence the petitioner's retirement benefits or pension cannot be disbursed. It is further submitted that the petitioner



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had not submitted the pension proposal to the Headmaster of the school in time. The pension proposal of the petitioner was submitted by the last week of December 2020. Immediately the pension proposal was forwarded to the Accountant General, Chennai by the Headmaster for sanction of pension and retirement benefits.

6. However, the learned counsel for the petitioner now submits that the issue between the petitioner and the third party Karunanithi was settled in Lok Adalat and Lok Adalat award has also been passed.

7. In such circumstances, it is upto the petitioner to submit the copy of the Lok Adalat award and give a fresh representation for the consideration to the respondents within a period of two weeks. On receipt of the same, the respondents shall consider the same and pass orders within a period of four weeks thereafter.

8. In the result, this Writ Petition is allowed and the petitioner is directed to give a fresh representation for the consideration to the



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respondents within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall consider the same and pass orders within a period of four weeks thereafter. No costs.

17.10.2023

Index : Yes

Internet : Yes/No

gsk

To

- 1.The Director of School Education,
College Road,
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R.N.MANJULA, J.

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