



W.P. No.35093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

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Issac Solomonraj

.. Petitioner

VS

1. The Commissioner
School Education, DPI Campus
Chennai 600 006.

2. The Commissioner
Corporation of Avadi
N.M.Road, Avadi - 600 054.

3. District Educational Officer (Elementary)
Ponneri at Sholavaram.

4. Block Educational Officer
Villivakkam at Ambattur, Chennai -53.

5. The Accountant General of India, Tamil Nadu
Teynampet, Chennai 600 018.

.. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to sanction and pay pension to the petitioner from the date of retirement with all arrears in accordance with the reply given by the third respondent in Na.Ka.No.173/Aa4/2022 dated 25.10.2022 accepting the entitlement of the petitioner to pension.



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For Petitioner : Ms.Dakshayani Reddy

For Respondents : Mr.E.Sundaram
Government Advocate
for respondents 1 to 4

Mr.V.Vijay Shankar
Standing Counsel
for respondent 5

ORDER

This writ petition has been filed for a Mandamus, to direct the respondents herein to sanction and pay pension to the petitioner from the date of retirement with all arrears.

2. Mr.E.Sundaram, learned Government Advocate takes notice for respondents 1 to 4 and Mr.V.Vijay Shankar, learned Standing Counsel takes notice for respondent 5. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The grievance of the petitioner in this writ petition is that, even though he retired from service as early as in the year 2007 itself, he has not been paid his retirement benefits. The petitioner claims that he has suffered paralytic attack and had requested for medical leave while he



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was in service. He also claims that he retired from service on 31.05.2007 while he was on medical leave. However, the respondents have not, till date, permitted the petitioner to retire. The petitioner categorically contends that he has an unblemished track record and only due to the fact that he had suffered paralytic attack, he was unable to attend duty for a particular period.

4. The petitioner also claims that he had given a representation to the Hon'ble Chief Minister Cell and a response was also received from them, stating that the petitioner is entitled for his retirement benefits. The petitioner has given several representations, including the last representation dated 23.09.2022, seeking for payment of his retirement benefits. Since the representations have not been considered till date, he has filed this writ petition.

5. Heard Ms.Dakshayani Reddy, learned counsel appearing for the petitioner, Mr.E.Sundaram, learned Government Advocate and Mr.V.Vijay Shankar, learned Standing Counsel, appearing on behalf of the respondents 1 to 4 and respondent 5 respectively.



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6. No prejudice would be caused to the respondents if the petitioner's representation, as stated *supra*, is considered on merits and in accordance with law within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first and second respondents to pass final orders, on merits and in accordance with law, on the petitioner's last representation dated 23.09.2022, seeking for payment of his retirement benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition is disposed of. There will be no order as to costs.

03.01.2023

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



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To :

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ABDUL QUDDHOSE, J.

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