



W.P.(MD)No.704 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.704 of 2023

S.Chinnapoo

... Petitioner

Vs.

1. The Joint Director of School Education (Vocational),
D.P.I.Campus, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Kanyakumari District,
Nagercoil-629 001.
- 3.The District Educational Officer,
District Educational Office,
Thuckalay Post, Kalkulam Taluk,
Kanyakumari District.
- 4.The Correspondent,
Sarojini Memorial Higher Secondary School,
Orappanavilai, Ammandivilai Post,
Kalkulam Taluk, Kanyakumari District.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.10.2018 and to grant retirement benefits due to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.S.Saji Bino
Special Government Pleader
for R1 to R3

ORDER

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 08.10.2018 and to grant retirement benefits due to the petitioner within a stipulated time fixed by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner was initially appointed as single part time Vocational Instructor in the 4th respondent School and thereafter, was appointed as Double Part Time Vocational Instructor. His appointment was approved with



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effect from 01.04.1990 and he was paid with time scale of pay. While so, without conducting any enquiry, he was removed from service by the 4th respondent on 23.02.1993. Challenging the same, a writ petition has been filed in W.P.No.7512 of 1993 and the same was allowed on 14.09.2004, against which, the 4th respondent has preferred a writ appeal in W.A.No. 2670 of 2001 and the same was allowed in part on 05.03.2007 by modifying the order of the writ Court regarding reinstatement with full backwages to the extent that “instead of reinstatement, with option for further enquiry, a compensation of Rs.9 lakhs (Rupees Nine Lakhs only) shall be paid by the Management to the respondent No.1/petitioner herein”. In the mean time, the petitioner has attained the age of superannuation on 31.05.2013 and thereafter, he has sent several representations to the respondents to pay the pension and all other monetary benefits due to him. However, the same was not considered. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that admittedly, the petitioner was removed from service and the said order was challenged by way of a writ petition in W.P.No.7512 of 1993 before the



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Principal Bench of this Court and the same was allowed on 14.09.2001 by issuing a direction to the School Correspondent to reinstate the petitioner in service with all backwages and other attendant benefits. The said order was challenged before the Principal Bench of this Court in W.A.No.2670 of 2011 and the same was allowed in part on 05.03.2007 by modifying the order of the Writ Court. However, the petitioner is entitled for terminal benefits. Hence, this Court may issue a direction to the respondents to consider the representation of the petitioner dated 08.10.2018.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

5. The facts in the present case are not in dispute. Admittedly, the petitioner was initially appointed as single Part time Vocational Instructor and thereafter, was appointed as Double Part Time Vocational Instructor. His appointment was approved by the Educational Authority with effect from 01.04.1990. Thereafter, he was removed from service by the 4th respondent and the same was challenged in W.P.No.7512 of 1993 and the Principal



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Bench of this Court allowed the said writ petition on 14.09.2001 directing the School Correspondent to reinstate the petitioner in service with all backwages and other attendant benefits, as against which, the 4th respondent has preferred an appeal in W.A.No.2670 of 2001 and the Hon'ble Division Bench of Principal Seat of this Court has allowed the writ appeal in part on 05.03.2007 by issuing a direction that “instead of reinstatement, with option for further enquiry, a compensation of Rs.9,00,000/- (Rupees Nine Lakhs only) shall be paid by the Management to the petitioner herein”. Admittedly, the petitioner has received the compensation from the 4th respondent. Thereafter, he made a representation in the year 2018 for disbursement of terminal benefits which is not sustainable one on the ground of delay and laches. If at all the petitioner is entitled to any claim, he has to file a petition for clarification before the Hon'ble Division Bench of Principal Seat of this Court. Instead of approaching the Hon'ble Division Bench of Principal Seat of this Court, filing a writ petition under Article 226 of the Constitution of India by making the representation is not sustainable. However, liberty is granted to the petitioner to work out his remedy in the manner known to law.



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6. Accordingly, this Writ Petition is dismissed. No costs.

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NCC:Yes/No

Index : Yes / No

Speaking Order : Yes / No

ssb

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