



W.P.(MD).No.22812 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22812 of 2023

Vincent Samuel

... Petitioner

Vs.

1.The Joint Director of School Education,
O/o. The Joint Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Principal Accountant General (A&E),
O/o. The Principal Accountant General (A&E),
Chennai-600 018.

3.The Chief Education Officer,
O/o. The Chief Education Officer,
Tenkasi District.

4.The District Education Officer,
O/o. The District Education Officer,
Sankarankovil,
Tenkasi District.

5.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur,
Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to direct the respondent No.3 and 4, to forward proposals granting pension by calculating the service period rendered by the petitioner under the leave post by considering the representation, dated 18.10.2022 within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondent No.1 to direct the respondent No.3 and 4, to forward proposals granting pension by calculating the service period rendered by the petitioner under the leave post by considering the representation, dated 18.10.2022 within the time period stipulated by this Court.

2. The petitioner was originally appointed as Drawing Instructor under the Tamil Nadu Government Aided Higher Secondary School, Tirunelveli CSI Management School. Thereafter, he was appointed in a sanctioned post in the 5th respondent school under the same jurisdiction in 1997. After rendering his



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service in the respondent department, he retired on 31.05.2005 on attaining the age of superannuation. In total, the petitioner worked under the respondent School Education Department for a period of 9 years and 5 days. The qualifying service period for pensionable service is 10 years. Since he did not complete the said qualifying service, the petitioner made a detailed representation to the 2nd respondent seeking to count his past service period rendered on leave vacancies on 18.10.2022. The 2nd respondent vide proceedings, dated 28.11.2022 has duly replied that only the Government is a competent authority to condone the deficiency in qualifying service. The 3rd respondent had issued directions to take appropriate action vide proceedings, dated 20.12.2022 and the same is also pending consideration till date. Hence, this writ petition came to be filed.

3. In view of the limited prayer sought for in this case, without going into the merits, this Court hereby direct the respondents 3 and 4 to forward the proposal made by the petitioner considering his representation, dated 18.10.2022 to the 1st respondent and thereafter, the 1st respondent is directed to pass orders in accordance with law. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order



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4. Accordingly, this Writ Petition stands Disposed of. No costs.

20.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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- 1.The Joint Director of School Education,
O/o. The Joint Director of School Education,
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Chennai-600 006.
- 2.The Principal Accountant General (A&E),
O/o. The Principal Accountant General (A&E),
Chennai-600 018.
- 3.The Chief Education Officer,
O/o. The Chief Education Officer,
Tenkasi District.
- 4.The District Education Officer,
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L.VICTORIA GOWRI, J.

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