



WEB COPY



W.P.No.278 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.278 of 2024
and
W.M.P.No.346 of 2024

S.Thirumal

...Petitioner

-Vs-

1. Central Board of Secondary Education(CBSE)
Represented by its Secretary,
PS 1-2- Institutional Area I.P. Extn,
Patparangi Delhi-110 092
Having its Regional Office at
Plot 1630 A "J" Block
16th Main Road, Chennai-40.
2. The Director,
Ordinance Factory Board,
Esplanade East,
Calcutta-700 069.
3. The General Manager,
Heavy Vehicle Factory Avadi,
Chennai-600 054.
4. The Chairman,
HVF English Medium Education Society
Vijayanata Senior Secondary School,
H.V.F Estate Avadi, Chennai-600 054.



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5. The Secretary,
HVF English Medium Education Society
Vijayanata Senior Secondary School,
H.V.G Estate Avadi, Chennai-600 054

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to treat the service of the petitioner as regular service till 31.12.2025, being the date of superannuation and to pay the benefits he is entitled to.

For Petitioner : M/s.V.Srimathi

For R3 and R4 : M/s.J.Prisceilla Pandian

ORDER

This Writ Petition has been filed for direction directing the respondents to treat the service of the petitioner as regular service till 31.12.2025.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner was appointed as Peon in Vijayanta Senior Secondary School on 06.11.1990. It is affiliated to C.B.S.E and governed by the affiliation Bye-Laws of CBSE. His date of superannuation is 31.12.2025, i.e., on attainment of 60 years. However, the 4th and 5th respondents attempted to retire the petitioner by December, 2023. Therefore, the petitioner submitted



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a representation and no action has been taken by the respondents so far. The retirement age of the petitioner is 60 years. On the same issues, a batch of writ petitions were disposed of by this Court and those employees were allowed to retire only at the age of 60 years. It is also fortified by the State Government Rule which was amended in G.O.Ms.No.92, dated 13.09.2021. As per Rules, the age of retirement is 60 years and as such, the petitioner is entitled to continue in service till the completion of 60 years.

4. Considering the above facts and circumstances of the case, the 4th and 5th respondents are directed to consider the representation submitted by the petitioner in the light of the observation made by this Court in a batch of writ petitions and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, if not already passed any order.

5. With the above direction, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

10.01.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
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