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W.P.No. 2712 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 2712 of 2024

V. Joseph Stanley

... Petitioner

Vs.

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

**2.The District Education Officer,
Cuddalore District.**

**3.The Block Education Officer,
Annagramam,
Cuddalore District.**

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to dispose of the representation dated 26.12.2023 sent by the petitioner to the second respondent herein, seeking for the repayment of the amount of Rs.6,55,517/- deposited by the petitioner herein to the third respondent herein pursuant to the show cause notice issued by the third respondent in Na.Ka.No.116/A1/2002, dated 03.06.2022 on merits and in accordance with law and within such time as may be prescribed by this Court.

For Petitioner : Mr. N. Damodaran

**For Respondents : Mr. V. Manoharan,
Additional Government Pleader**



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ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

2. The case of the petitioner is that he was appointed as B.T.Assistant at Panchayat Union Middle School, Thenmangalam on 12.10.1998. He has completed his degree in Master of Arts in History through Open University in Annamalai University on 25.10.2005. He was promoted as Head Master in the Panchayat Union Primary School, Natham Village, Annagramam Block, Cuddalore District with effect from 05.01.2007. The petitioner was sanctioned with two incentive increments for completing M.A.History as per the proceedings of the third respondent dated 12.12.2011. Based on the said proceedings, he had received incentive increments for the period from 28.07.2011 to 31.08.2022, totally for a period of 11 years one month. The second respondent issued a show cause notice dated 03.06.2022, calling for the explanation from the petitioner along with the other similarly placed persons for recovery of the excess payment made based on G.O.Ms.No.118, dated 10.07.2013, whereby, the benefit extended under G.O.Ms.No.307, School Education Department, dated 15.12.2000 has been cancelled. The petitioner was due for retirement on 31.08.2022. But in view of the Government policy, the service was extended for further period of one year and he retired on 31.05.2023.



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3. Learned counsel for the petitioner submits that the third respondent had insisted the petitioner to pay the excess incentive received by him to the tune of Rs.6,55,517/- in a single instalment failing which he would not be entitled to receive his retirement benefits. Fearing that he would not receive his retirement benefits and pension post his retirement, he was forced to make the payment of the said amount. The learned counsel further submits that thereafter, the petitioner had sent a representation dated 30.06.2023 to the third respondent seeking for incentive for period from 29.05.2013 till 31.08.2022 i.e., the date of his superannuation as he is eligible for the same for completing his post graduation, M.A in English literature under the Regular Stream. However, there is no reply from the respondents. Again he sent a representation dated 14.08.2023 to consider his earlier representation. It is also not considered. The learned counsel for the petitioner submits that the petitioner is entitled for the incentives and recovery made from the petitioner is illegal and contrary to the existing rules and as such, sought to allow this writ petition.

4. On the other hand, the learned Additional Government Pleader appearing for the respondents submit that the main relief sought in this writ petition is only to dispose of the representation dated 26.12.2023 submitted by the petitioner to the second respondent and as such, this writ petition can be disposed of with a



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direction to the second respondent to dispose of the said writ petition within the stipulated time in accordance with law.

5. Having heard the submissions of the respective counsel and on perusal of the materials available on record and in view of the fact that the main relief sought in this writ petition is only to dispose of the representation of the petitioner submitted to the second respondent on 26.12.2023, in my considered view, it is appropriate and reasonable to dispose of this writ petition without going into the merits of the case with a direction to the second respondent to dispose of the said representation within the stipulated time in accordance with law, to meet the interest of justice.

6. Accordingly, this Writ Petition is disposed of with a direction to the second respondent to consider and dispose of the representation dated 26.12.2023 of the petitioner and pass appropriate orders in accordance with law, within a period of six weeks from today.

08.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT



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BATTU DEVANAND, J.

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