



W.P.No.8944 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.8944 of 2015

K.Rangarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Education Department,
Fort St.George, Chennai – 600 009.

2.The Accountant General,
Accountant General Office,
Teynampet, Chennai – 18.

3.The Additional Assistant Elementary
Educational Officer,
Omalur Union, Taluk
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 1st respondent to revise the pensionary benefits based on the revision made by the Additional Elementary Educational Officer, Omalur, Salem District dated 12.01.2015 passed in RC.No.933/A1/2014 on behalf of the 1st respondent subordinates and direct them to pay the Pensionary benefits along with interest.



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For Petitioner : Mr.A.R.Nixon

For Respondents : Mr.K.H.Ravikumar
Government Advocate
for R1 & R3

Mr.Vijay Shankar
for R2

ORDER

This Writ Petition has been filed seeking writ of mandamus directing the first respondent to revise the Pensionary benefits of the petitioner in terms of Proceedings in RC.No.933/A1/2014 dated 12.01.2015 passed by the Additional Elementary Educational Officer, Omalur, Salem District.

2. In response to the notice issued by this Court, the third respondent has filed a counter affidavit stating that the said proceedings dated 12.01.2015 has already been given effect and accordingly a proceedings bearing No.AG(A&E)/Pension/19/1/11911582/Rev/15-16, dated 10.04.2015 was issued and all the monetary and pensionary benefits were released in favour of the petitioner. Paragraph No.6 from the counter affidavit reads as under:-

“6.It is submitted that in pursuance to the orders of this



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Court, the Omalur Additional Assistant Elementary Educational Officer has revised the pay of the petitioner vide Re.No.1671/B1/2011, dated 05.07.2014. As per the orders of the Additional Assistant Elementary Officer, the Principal Accountant General (Accounts and Entitlement) Tamil Nadu has revised the pensionary benefits to the petitioner vide No.AG(A&E)/Pension/19/1/11911582/Rev/15-16, dated 10.04.2015. As per the above order of the Accountant General all the pensionary benefits have been given to the petitioner and other monetary benefits due to the petitioner.”

3. It is further stated that the petitioner after having received all the monetary benefits and also issued letter dated 09.11.2017 acknowledging the receipt of all the benefits. Paragraph No.7 from the Counter affidavit reads as under:-

“7.Further, it is submitted that the petitioner has given a letter stating that the petitioner has got all monetary benefits and pensionary benefits and also stated that withdraw the case in W.P.No.8944/2015 filed by the petitioner (copy annexed) vide letter dated 09.11.2017. Hence, the writ petition may be liable to be dismissed as devoid of merit.”

4. However, the learned counsel for the petitioner stated that he has no instructions on the above factual aspect.



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5. In view of the same, this Writ Petition is disposed of by duly placing reliance on the statement made by the third respondent in the counter affidavit as noted above and in case the impugned proceeding dated 12.01.2015 not given effect, the same shall be given effect and all the benefits shall be given to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

29.10.2024

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

- 1.The State of Tamil Nadu,
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MUMMINENI SUDHEER KUMAR, J.

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