



W.P.No.12361 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM:

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

W.P.No.12361 of 2024

D.Kannappan Thomas

... Petitioner

Vs

1. The Secretary,
Stella Maris College,
Chennai – 600 086.

2. The Regional Joint Director
of Collegiate Education,
Chennai Region,
Anna Salai, Saidapet,
Chennai – 600 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to work out and return the pension proposals and make correct entries in the Service Register of the petitioner within the time frame fixed by this Court.

For Petitioner : Mr.G.Priydarshini

For Respondents

For R1 : Sis.H.Mary Sowmi Rexi
For M/s.Isaac Chambers

For R2 : Mr.C.Jayaprakash
Government Advocate



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ORDER

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This writ petition has been filed for direction directing the first respondent to work out and return the pension proposals and make correct entries in the petitioner's Service Register.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner was appointed in the first respondent college in the year 1969 as Mechanic. After undergoing some training, he was made permanent employee of the first respondent college with effect from 01.04.1971. However, he fell ill and as such he could not continue to work in the first respondent as per the advice of the doctors. After applying medical leave, the petitioner was constrained to submit a request on 01.08.1985, to permit him to retire from service on medical invalidation grounds. Thereafter, the first respondent accepted his request and sent the proposal for sanction of pension. However it was rejected by the Deputy Director of Collegiate Education for sanction of pension on medical invalidation, on the basis of documents enclosed with the proposal.



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4. Thereafter, the petitioner was directed to produce Community certificate, Baptism certificate with defect in spelling of petitioner's father, Baptism certificate with correct name and affidavit. However, the petitioner could not able to furnish those documents. Finally, the petitioner submitted all those documents only in the year 2021 and the same was forwarded to the first respondent, thereby recommended for sanction of pension and other terminal benefits. However, on receipt of the same, the Accountant General returned the proposal on two grounds. The first one is the proposal was sent with the delay of 36 years and another reason is that the voluntary retirement under Rule 56(e) of the Fundamental Rules can be given, after giving three months notice, if he had rendered not less than 20 years of net qualifying service or if he is more than 50 years of age. Therefore, both the conditions were not satisfied by the petitioner and the request made by the petitioner for pension and other benefits, was returned.

5. Therefore, the Joint Director of Collegiate Education vide communication dated 18.10.2023, requested the first respondent to send the proposal along with additional documents. On receipt of the said communication, the petitioner by his letter dated 23.11.2023, annexed all



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the documents and also clarified that he was not relieved from service on voluntary retirement and he was relieved only on medical invalidation ground. Now the said proposal is pending on the file of the first respondent.

6. Considering the above facts and circumstances, the first respondent is directed to send a fresh proposal for pension and other terminal benefits of the petitioner based on the documents furnished by the petitioner along with application dated 23.11.2023, forthwith. On receipt of the same the second respondent is directed to forward same to the Accountant General (A&E), Tamilnadu Authorisation of Revision of Pension/Gratuity/Commutation, 361, Anna Salai, Chennai 600 018, within a period of two weeks from the receipt of the proposal from the first respondent. On receipt of the same, the Accountant General (A&E), is directed to consider the same and pass orders on merits and in accordance with law, within a period of four weeks from the receipt of the proposal from the second respondent. It is made clear that the petitioner submitted request for retirement only on medical invalidation grounds. Further this case can be considered sympathetically, though it was made belatedly.



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01.07.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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Chennai – 600 086.
2. The Regional Joint Director
of Collegiate Education,
Chennai Region,
Anna Salai, Saidapet,
Chennai – 600 015.
3. The Accountant General (A&E),
Tamilnadu Authorisation of
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