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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25992 of 2024
and WMP No.28389 of 2024

M.S.Sivakumar

..Petitioner

Vs.

1. The Chief Educational Officer,
Chief Education Office,
Egmore, Chennai 600 008.
2. The District Educational Officer,
North Chennai Education office,
Villivakkam, Chennai 600 049
3. The District Educational Officer,
District Education Office, Sidco Nagar,
North Chennai, Chennai 600 049
4. The Secretary,
Sir M.Ct.M.Boys Higher Secondary School Trust,
23, Raja Annamalai Raod, Purasawakkam,
Chennai 600 084

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned letter dated 11.08.2024 issued by the 4th respondent herein Namely The Secretary, Sir M. Ct.M.Boys Higher Secondary School, 23, Raja Annamalai Road, Purasawakkam, Chennai -084, quash the same as non-est in the eye of law and consequently issue suitable directions to the 4th Respondent herein to draw and disburse the contributory Pension amount lying in the credit of his CPS Account No.401716 together with interest @ 24 percent per annum from the due date to date of payment within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3
Mrs.Abitha Banu
for R4 and R5

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent school dated 11.08.2024 and for a consequential direction to the 4th respondent school to draw and disburse the Contributory pension amount



lying to the credit of CPS A/c.No.401716 along with interest.

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2. Heard Mr.K.S.Govinda Prasad, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents 1 to 3 and Mrs.Abitha Banu, learned counsel for Respondents 4 and 5.

3. The case of the petitioner is that he was working as a Secondary grade teacher in the 4th respondent school from the year 1993 onwards. The petitioner had contributed towards contributory pension amount in CPS A/c.No.401716. An FIR came to be registered against the petitioner in Crime No.608 of 2016 which resulted in filing of a police report before the Chief Metropolitan Magistrate, Egmore and which was taken on file in CC No.693 of 2017.

4. The petitioner was placed under suspension through proceedings dated 11.08.2016 initiated by the Secretary of the School in the light of the criminal case. A charge memo was also issued against the petitioner on



01.09.2016.

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5. The petitioner was due to retire from service on 31.05.2019. The criminal case that was initiated against the petitioner ended in acquittal by judgement dated 19.10.2023. In view of the same, the petitioner has questioned the charge memo issued against him and a separate writ petition has been filed in this regard in WP No.25988 of 2024

6. The present writ petition confines itself to the settlement of the Contributory pension amount. The learned counsel for the petitioner submitted that one month salary also is due and payable to the petitioner.

7. The petitioner made a request for settlement of the above amount and the 4th respondent school informed the petitioner that already disciplinary proceedings has been initiated against him and the case is pending before the Court and therefore, the request made by the petitioner for forwarding the file to the educational authority cannot be acted upon.



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8. In the considered view of this Court, the charge memo itself is now under challenge in WP No.25988 of 2024 and the said writ petition has been filed mainly on the ground that the criminal case itself has ended in acquittal. Therefore, the amount that is due and payable to the petitioner towards contributory pension amount and the one month salary can be directed to be settled subject to the result of WP No.25988 of 2024.

9. In the light of the above discussion, there shall be a direction to the 4th respondent school to draw and disburse the contributory pension amount lying to the credit of CPS Ac/c No.401716 to the petitioner. There shall be a further direction to the 4th respondent school to place the necessary proposal before the 2nd respondent for drawing and disbursing the one month salary payable to the petitioner. This process shall be completed within a period of four weeks from the date of receipt of a copy of this order. The payment made to the petitioner will be subject to the final result in WP No.25988 of 2024.



10. In the result, this writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

21.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.
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