



W.P.(MD).No.1209 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1209 of 2024
and W.M.P(MD) Nos.1219, 2862, 2864 of 2024

K.Vijaya Kumar

... Petitioner

Vs

1. The Chief Educational Officer,
Kanyakumari District,
Nagercoil.
2. The District Educational Officer,
Marthandam, Kanyakumari District.
3. The Correspondent,
Purushothaman Pillai Memorial,
Higher Secondary School,
Auducode and Post - 629 168.
Kanyakumari District..
4. The Principal Accountant General (A & E), *
No.361, Anna Salai, Chennai – 18.
**R4 suo-motu impleaded as per order of this
Court, dated 14.02.2024.*

... Respondents

*** Prayer :** Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



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records relating to the impugned order issued by the 2nd respondent herein in O.Mu. No.6664/A5/2024, dated Nil.01.2024, quash the same and further direct the respondents herein to sanction and disburse forthwith the Monthly Pension from 01.07.2023 onwards, Death-cum-Retirement Gratuity, and other retirement benefits to the petitioner.

**Prayer amended as per order in
W.M.P(MD)No.2862 of 2024, dated 14.02.2024*

For Petitioner : Mr. E.V.N.Siva

For Respondents : Mr.M.Sarangan (R1 to R2)
Additional Government Pleader

Mr.Gunasekaran (R4)
Standing Counsel

ORDER

The present writ petition has been filed challenging the impugned order issued by the 2nd respondent herein in O.Mu. No.6664/A5/2024, dated Nil.01.2024, and consequently to direct the respondents to sanction and disburse forthwith the monthly pension from 01.07.2023 onwards, Death-cum-Retirement Gratuity and other retirement benefits to the petitioner.

2.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 3



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and the learned Standing Counsel appearing for the newly impleaded fourth respondent. Perused the materials on record.

3.(i).The petitioner was appointed as Post Graduate Assistant (Malayalam) from 03.06.1993 in the third respondent School and on attaining the age of superannuation on 30.06.2023, he retired from service. Since his pension proposal was not sanctioned, he sent representations on 11.12.2023 and 22.12.2023. He was orally informed by the second respondent that though his pension proposal, dated 09.11.2023 was received, the same was not processed, due to the pendency of W.P(MD)No.27244 of 2019 filed against the third respondent School. The said writ petition has nothing to do with the sanction of his pension. Hence, this writ petition came to be filed.

4.In the meanwhile, the second respondent had passed the proceedings, dated 29.01.2024, wherein, it has been informed to the third respondent that the pension proposal of the petitioner cannot be processed, until the said writ petition in W.P(MD)No.27244 of 2019 is withdrawn. Challenging the same, the petitioner filed an amendment petition before this Court in W.M.P(MD)No.2862 of 2024. This Court is inclined to allow the amendment



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petition filed by the petitioner. (Registry is directed to make necessary amendment in the writ petition).

5. When the matter was taken up for hearing before this Court today, the learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the impugned proceedings, dated 29.01.2024 of the second respondent has been withdrawn and the pension proposal of the petitioner has been forwarded to the Principal Accountant General, Chennai.

6. In view of the aforesaid submission, I hereby *suo-motu* implead the Principal Accountant General (A & E), No.361, Anna Salai, Chennai – 18 as the fourth respondent in this case. I hereby direct the newly impleaded fourth respondent to consider the pension proposal of the petitioner, which was forwarded by the second respondent vide proceedings, dated 12.02.2024 and pass appropriate orders in accordance with law within a period of eight (8) weeks, from the date of receipt of copy of this order.



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7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

Note: Registry is directed to carry out necessary amendment in the cause title before issuing order copy.

PNM

To

1. The Chief Educational Officer,
Kanyakumari District,
Nagercoil.
2. The District Educational Officer,
Marthandam, Kanyakumari District.
3. The Correspondent,
Purushothaman Pillai Memorial,
Higher Secondary School,
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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