



W.P.(MD).No.11281 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.11281 of 2024

and

W.M.P.(MD)Nos.10026 and 10029 of 2024

S.Packiyanathan

...Petitioner

Vs

1.The District Educational Officer (Elementary Education),
District Education Office,
Tenkasi.

2.The Block Educational Officer-I,
Block Education Office,
Kadayam,
Tenkasi Taluk and District.

3.The Secretary,
Ganapathy Middle School,
Pappankulam,
Kadayam,
Tenkasi Taluk and District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order which has been



W.P.(MD).No.11281 of 2024

issued without reference to any proceedings by the third respondent, dated 15.05.2024 and quash the same as illegal and consequently direct the third respondent to forward all the retirement papers to the appropriate authority with full particulars of all retirement benefits as well as the increment that was due to the petitioner from the month of April, 2024.

For Petitioner : Mr.S.Srikanth
For M/s.APN Law Associates

For R-1 and R-2 : Mr.M.Siddharthan
Additional Government Pleader

For R-3 : Mr.R.Shankar Ganesh

ORDER

Heard Mr.S.Srikanth, learned counsel for the petitioner, Mr.M.Siddharthan, learned Additional Government Pleader for the 1st and 2nd respondents and Mr.R.Shankar Ganesh, learned counsel for the 3rd respondent.

2. This Writ Petition has been filed seeking to quash the order of the third respondent dated 15.05.2024 and consequently direct the third respondent to forward all the retirement papers to the appropriate



W.P.(MD).No.11281 of 2024

authority with full particulars of all retirement benefits as well as the increment that was due to the petitioner from the month of April, 2024.

3. Mr.S.Srikanth, learned counsel for the petitioner submitted that the petitioner, who had retired from service on 30.04.2024, had challenged the order of the third respondent for initiating disciplinary action against him. In fact on 30.04.2024, the second respondent has issued no objection by stating that as per the audit done till the period 30.04.2024, there is no dues in respect of the petitioner and there is also no audit objections. In fact, the very same third respondent has also issued the discharge certificate of the petitioner from employment on 30.04.2024. Now, subsequent to the retirement, the third respondent has issued the impugned order dated 15.05.2024 stating that the terminal benefits of the petitioner to be with held along with his increment due for April 2024.

4. Once an employee retires, the employer-employee relationship ceases. Even if the third respondent intends to initiate disciplinary action against the petitioner, that cannot be done on his own whims, without



W.P.(MD).No.11281 of 2024

getting due permission from the appropriate authority. Since the person who had allowed the petitioner to retire on the date of his superannuation, has also issued the impugned order without authority, that too after the retirement of the petitioner and the same is illegal and hence it is liable to be quashed.

5. In view of the above stated reasons, this Writ Petition is **allowed** and the impugned order passed by the third respondent dated 15.05.2024 is set aside. The third respondent is directed to submit the retirement papers for disbursing the retirement benefits of the petitioner as well as the increment that was due to the petitioner from the month of April, 2024 to the authorities concerned, for processing it further, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

11.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

4/6



W.P.(MD).No.11281 of 2024

To:

WEB COPY

- 1.The District Educational Officer (Elementary Education),
District Education Office,
Tenkasi.
- 2.The Block Educational Officer-I,
Block Education Office,
Kadayam,
Tenkasi Taluk and District.
- 3.The Secretary,
Ganapathy Middle School,
Pappankulam,
Kadayam,
Tenkasi Taluk and District.



WEB COPY



W.P.(MD).No.11281 of 2024

R.N.MANJULA, J.

Nsr

W.P.(MD).No.11281 of 2024

11.07.2024