



W.P.(MD)No.11900 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.11900 of 2024 &
W.M.P.(MD)No.10606 of 2024

J.Tamilrajan

... Petitioner

vs.

1.The Director,
Directorate of Pension,
Government of Tamil Nadu,
Chennai.

2.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

3.The District Educational Officer,
Thoothukudi, Thoothukudi District.

4.The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi, Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 to 4 to pay the arrears of salary for the last service period from 01.07.2022 to 19.07.2022 and consequently fix the provisional pension to the incumbent J.Tamilrajan who voluntarily retired from service as B.T.Assistant



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selection Grade Teacher in Karapettai Nadar Higher Secondary School Thoothukudi by considering petitioner's representation dated 12.04.2024 sent to the 4th respondent and representation dated 29.04.2024 sent to the respondents 1 to 3.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.M.Lingadurai,
Special Government Pleader for R1 to R3

Mr.Cibi Chakraborty for R4

ORDER

Heard Mr.D.Nallathambi, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.Cibi Chakraborty, learned counsel appearing for the fourth respondent.

2. The petitioner has filed this writ petition seeking a Writ of Mandamus directing the respondents 2 to 4 to pay the arrears of salary for the last service period from 01.07.2022 to 19.07.2022 and consequently fix his provisional pension by considering his representation dated



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12.04.2024 sent to the 4th respondent and representation dated 29.04.2024 sent to the respondents 1 to 3.

3. Mr.D.Nallathambi, learned counsel appearing for the petitioner submitted that the petitioner has already filed a writ petition in W.P.(MD)No.25353 of 2022 to quash the charge memo issued against him for fabricating the attendance register for securing an order for Voluntary Retirement, wherein, by an order dated 21.03.2023, a direction has been given to the authorities concerned to relieve the petitioner in the light of the proceedings dated 04.02.2023 issued by the competent authority. The said order is under challenge in the appeal preferred by the School Management in W.A.(MD)No.841 of 2023.

4. Mr.Cibi Chakraborty, learned counsel appearing for the fourth respondent submitted that without disposing the above appeal, the petitioner's entitlement for provisional pension cannot be considered.



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5. But the facts remains that if the petitioner worked from 01.07.2022 to 19.07.2022, then, the pay for the services he rendered during the relevant period cannot be stopped. So far as, fixation of provisional pension is concerned, since an order has been passed entitling the petitioner for Voluntary Retirement itself, the representation of the petitioner should be given with an order and it cannot be kept pending.

6. In view of the above observations, the writ petition is disposed of and the respondents are directed to consider the representations of the petitioner dated 12.04.2024 and 29.04.2024 on their own merits and pass orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

07.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

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R.N.MANJULA, J.

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