



WP(MD). No.17326 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 26.07.2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

WP(MD). No.17326 of 2024
and WMP(MD) No.14898 of 2024

B.Brabakaran

... Petitioner

Vs

1. The Account General,
Office of the Account General (A and E),
Chennai – 600 006.

2. The Chief Educational Officer,
Nagercoil, Kanyakumari District.

3. The District Educational Officer (Secondary Education),
Nagercoil,
Kanyakumari District.

4. The Manager / Correspondent,
Samuel Higher Secondary School,
Santhapuram,
Kanyakumari District. - 629 201.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order issued by the District



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Educational Officer in Na.Ka.No. 2591/A3/2024, dated 19.06.2024 quash the same, and further direct the respondents CEO and the DEO herein to forward forthwith the pension proposal to the Accountant General to release the pension and other terminal and consequential benefits.

For Petitioner : Ms.A.Amla

For Respondents : Mr.G.Karthik (R1)
Standing Counsel

Mr.T.Amjad Khan (R2,R3)
Government Advocate

ORDER

Heard Ms.A.Amla, learned counsel appearing for the petitioner, Mr.G.Karthik, learned Standing Counsel appearing for R1 and Mr.T.Amjad Khan, learned Government Advocate appearing for R2 & R3.

2. This Writ Petition has been filed challenging the impugned order issued by the District Educational Officer in Na.Ka.No. 2591/A3/2024, dated 19.06.2024 and further to direct the respondents CEO and the DEO to forward forthwith the pension proposal to the



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Accountant General to release the pension and other terminal and consequential benefits.

3. The petitioner has been retired as a Vocational Instructor Grade 1 in the fourth respondent's school on 31.05.2024 after attaining his age of superannuation. The petitioner's retirement benefits were not settled so far. In the impugned proceedings, the proposal sent by the fourth respondent for sanctioning the retirement benefits of the petitioner has been returned citing the pendency of W.A(MD) No. 1788 of 2023.

4. In fact, earlier the petitioner has filed a writ petition in W.P(MD) No.19163 of 2020 challenging the recovery proceedings, dated 01.09.2020 and the same was allowed. Aggrieved over that, the fourth respondent has filed a writ appeal in W.A(MD) No. 1788 of 2023 and the same is pending. By citing the pending writ appeal, the proposal has been returned stating that the retirement benefits of the petitioner can be settled only after the disposal of the above writ appeal.



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5.The petitioner is not instrumental in keeping the writ appeal pending. The respondents, for the reasons best known to them, have given a recovery order and the petitioner has challenged the same and got a favorable order.

6.It appears from the submission made by the learned counsel for the petitioner that the petitioner has been given with the pay fixation in accordance with the Fitment Table No. 15. By finding fault with the above fixation, the petitioner has been given with a recovery order and that has been set aside. Consequent to that, umpteen number of petitions are filed for claiming pay to be fixed under Fitment table No. 15 and those petitions are allowed.

7.It seems that in the petitioner's case, fixation has been rightly done in accordance with the Fitment Table No. 15 and hence, the Government cannot take a contradictory stand by challenging the same in W.A(MD) No. 1788 of 2023. Whatever may be the case, in the writ appeal filed by the respondents there is no order for stay of operation of



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the order passed by this Court in W.P(MD) No. 19163 of 2020. In that case, the respondent has to release the terminal benefits of the petitioner without making him to wait indefinitely by citing the pending writ appeal.

8. With the above observations, this writ petition stands allowed and the impugned order in Na.Ka.No. 2591/A3/2024, dated 19.06.2024 is hereby set aside and the respondents are directed to forward the pension proposal to the Accountant General to release the pension and other terminal and consequential benefits within a period of four weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
Index : Yes/No
PNM



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R.N.MANJULA, J.

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