



W.A(MD).No.1086 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 27.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.1086 of 2019
and
C.M.P(MD)Nos.9786 of 2019 & 426 of 2020**

1.The Government of Tamil Nadu,
rep. by the Deputy Secretary to the Government,
Higher Education (G2 Department),
Fort St. George,
Chennai - 600 009.

2.The Director of Collegiate Education,
Tirunelveli Region,
Chennai - 6.

3.The Accountant General of Tamil Nadu,
Teynampet,
Chennai - 600 018.



W.A(MD).No.1086 of 2019

4.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 002.

5.The Secretary,
Sri Parasakthi College for Women,
Courtallam,
Tirunelveli District - 627 802.

.... Appellants/respondents

Vs.

B.Prema

....Respondent/Writ Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent
against the order passed in W.P.(MD)No.17179 of 2019, dated
27.08.2019.

For Appellants : Mr.M.Sidharthan,
Additional Government Pleader

For Respondent : Mr.B.Ashok



W.A(MD).No.1086 of 2019

JUDGMENT

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(Judgment of this Court was delivered by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner herein joined Sri Parasakthi College for Women, Courtallam as Record Clerk in the year 1989. She was subsequently promoted and ultimately retired from service as Assistant (Special Grade) in the year 2019. Apprehending that her pension application will not be processed, she filed W.P.(MD)No.17179 of 2019. The writ petition was disposed of on 27.08.2019 in the following terms:-

“6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel appearing on either side, this Court is inclined to dispose of the Writ Petition with the following directions:

(i) The 4th respondent is directed to forward the pensionary proposal submitted by the petitioner, dated 22.07.2019, if it is in order, to the 5th respondent within a period of six weeks from the date of receipt of a copy of this order.



W.A(MD).No.1086 of 2019

(ii) If the aforesaid pensionary proposal received by the 4th respondent, the same shall be forwarded to the 3rd respondent, for sanctioning the pensionary amount to the petitioner, within a period of two weeks, thereafter.

(iii) As agreed by the learned Standing Counsel appearing for the 3rd respondent, if any such proposal is received from the 4th respondent, the 3rd respondent shall consider the same and pass appropriate orders on the proposal submitted by the respondents 4 and 5, as expeditiously as possible, in any event, not later than, four weeks from the date of receipt of the proposal.”

Questioning this order, this Writ Appeal has been filed by the Department.

3.The learned Additional Government Pleader appearing for the appellants states that the writ petitioner was placed in a wrong pay band in the year 2011 and that a substantial amount has to be recovered from her. He also states that this was the subject matter of another writ petition in W.P.(MD)No.26618 of 2014 and that it was resolved in favour of the Department.



W.A(MD).No.1086 of 2019

4. That may be so, but in the order impugned in this writ appeal, the only direction that has been given is that the writ petitioner's pension paper should be processed and an appropriate order should be passed. No other direction has been given. We fail to understand as to how the impugned order would operate to the prejudice of the Department.

5. We do not find any merit in this Writ Appeal. Accordingly, this Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) & (R.P., J.)
27.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



W.A(MD).No.1086 of 2019

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W.A(MD).No.1086 of 2019

G.R.SWAMINATHAN, J.
AND
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WA.(MD)No.1086 of 2019

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