



W.P.No. 21643 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.21643 of 2023
and
W.M.P.No.21017 of 2023

M. Christopher

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. Department,
Chennai – 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Cuddalore District, Cuddalore.
4. The District Educational Officer (Elementary)
Virudhachalam, Cuddalore District.
5. The Block Educational Officer,
Panruti Block, Cuddalore District.
6. The Secretary,
Church Road, The Arcot Lutheran Church,
9, ALC Campus, Pachakkuppam, Cuddalore – 607 001.



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7. The Correspondent,
Danish Mission Primary School,
Panruti- 607 001.

8. The Principal Accountant General (A&) Tamil Nadu,
361, Anna Salai, Teynampet, Chennai – 600 018. ...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the retirement benefits payable to the petitioner as on date of retirement on 30.09.1995 including regular pension, along with interest at the rate of 12% per annum for the delay in settlement of retirement benefits, with all consequential and other attendant benefits, in consideration of representation dated 25.02.2022 submitted by the petitioner, within a time frame to be fixed by this Court and pass orders.

For Petitioner	: Mr.G. Sankaran for Mr.S. Neduchezhiyan
For Respondents 1to 5	: Mr.S. Prabhakaran, Government Advocate
For Respondent-6	: Mr.M.S. Seshadri Standing Counsel



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ORDER

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2.The facts of the case is that the petitioner has rendered 39 years of service in the 7th respondent School, and retired on 30.09.1995. The grievance of the petitioner is that, inspite of the fact that the School Management has forwarded the proposal, the Department has not considered the pension proposal insisting on the Service Register (S.R.) Hence, the petitioner has given a representation to the respondents in this regard. Pursuant to which, the Secretary, Church Board submitted a letter to the DEO on 04.05.2017 by stating that the Teacher Service Register (TSR) had been obtained in this regard and it was also stated that they



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had not lodged any police complaint on the hope that the S.R would be traced. The said letter to the DEO reveals that the TSR has been retained by one P.Yesuvadiyan, ALC and no action has been taken against him in this regard. Consequently, the proposal was submitted to the office of The Accountant General for sanctioning of retirement benefits including regular pension. However, the office of Accountant General had returned the proposal by stating that the pension proposal has been submitted after a period of more than 20 years and therefore, this should be referred to the Government to clarify as to whether it has been sanctioned with provisional pension and provisional DCRG, but, no reply was given by the School Management. In the said circumstances, the office of AG issued further proceedings dated 04.10.2019 by stating that in respect of earlier proceedings from the year 2017, no reply has been received from the School Management regarding delay in forwarding the pension proposal for more than 20 years and other details as called for. It is also found that the office of AG has also forwarded proposal to the Government for ratification, since the pension proposal has been submitted after more than 20 years. From the proceedings of the Office



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of AG dated 14.09.2020 addressed to DO, Panruti, it is found that, the pension proposal and S.R along with relaxation orders from the Government had not yet been received, and accordingly, the office called upon the authorities to obtain relaxation order from the Government and forward the pension proposal at the earliest. It is pertinent to note that the petitioner has given a representation to the District Collector, Perambalur, who in turn has forward a letter to the CEO, Cuddalore on 09.11.2022 calling for action on the request. Based on the representation, a communication was sent to District Collector, Cuddalore to CEO on 17.11.2022 to take appropriate action for obtaining relaxation from the Government and forward the same to the office of AG. However, there was no progress in the petitioner's case. Finally, the petitioner has not been paid any retirement benefits including regular pension till date, due to which he has made a representation to the second and third respondents, and the same is still pending without any progress, which has given rise to this petition.

3.The learned counsel for the petitioner submitted that inspite of



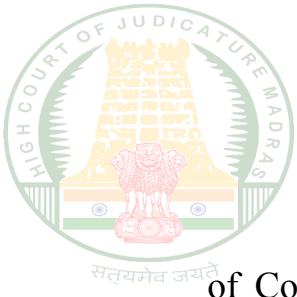
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the several efforts taken by the petitioner, he has not been paid pension.

He further submitted that the pension proposal was not forwarded by the Management to the Department after the retirement of the petitioner. He further submitted that the representation to the Department for sanctioning of retirement benefits and regular pension is still pending. Hence, prays to allow this petition.

4.Mr.M.S. Seshadri, learned counsel appearing for the sixth respondent has filed a counter affidavit, wherein, it was stated that the petitioner was already paid a sum of Rs.5,00,000/- before execution of the memorandum of compromise and was issued with two cheques for a total sum of Rs.7,00,00/-. All the claims of the petitioner towards Wages, Bonus, Pension, Gratuity, Leave Allowance, Medical Benefits etc., were covered in the aforementioned amount, and that there is no amount due to the petitioner. It is pertinent to note, that as per the same the parties agreed that the decree dated 27.02.1990 made in O.S.No.28 of 1988 shall deemed to be satisfied and consequently the E.P.No.356 of 1999 shall be closed. It is the further contention of this respondent that a Memorandum



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of Compromise dated 27.04.2005 was recorded in the order passed in C.R.P.No.1847 of 2003 on 29.04.2005, and the same has attained finality. Therefore, there is no due pending against the petitioner. Hence, prays to dismiss the petition.

5. Heard both sides and perused the materials available on record.

6. On a perusal of records this Court observed that the amount of Rs.7,00,000/- which was paid to the petitioner was only the arrear amount which was due to the petitioner for a certain period, but, the entire amount has not yet been settled. It is pertinent to note that the pension proposal is still pending with the third respondent, who has sought certain clarification from the sixth respondent with regard to the particulars of the petitioner. Hence, it is made clear that the entire terminal benefits was not paid to the petitioner, due to which he has made a representation to the second respondent and the same is still pending without any progress.



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7. In view of the above facts, this Court directs the third respondent to obtain the required particulars from the concerned authorities as expeditiously as possible and proceed with the case and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

8 .With the above directions, this Writ Petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No

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To



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