



W.P.No.31965 of 2023

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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.31965 of 2023

M.Sundararaju

...Petitioner

Vs

1. The State of Tamil Nadu,
rep by its Principal Secretary to Government,
Department of School Education,
Fort St.George,Chennai -9

2. The Principal Accountant General,
Office of the Accountant General (Accounts & Entitlement)
361, Anna Salai, Teynampet,
Chennai – 600 018.

3. The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006.

4. The Chief Educational Officer,
Tiruvarur District.

5. The District Educational Officer,
Thiruvarur District.

6. The Head Master,
Government High School,
Pullavarayarkudikadu,
Thiruvarur District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 4 to 6 forthwith to trace out or reconstitute the service register of the petitioner and send a revised pension along with the service register to the 2nd respondent and consequently direct the second respondent after receiving revised pension proposal to sanction and pay the revised pension with effect from 01.03.2017 along with arrears to the petitioner in accordance with the order passed by this Hon'ble Court in G.O.Ms.No.90, School Education Department dated 09.05.2018 with other monetary and consequential service benefits to the petitioner with reasonable interest, within a time frame stipulated by this Court and pass orders.

For Petitioner : Mr.M. Muruganantham
for Mrs.V. Ambika

For Respondents 1,3 & 5 : Mr.S.Prabhakaran,GA

For Respondent – 2 : Mrs.J.Sreevidhya, STC

ORDER

This petition is filed seeking to issue a Writ of Mandamus directing the respondents 4 to 6 forthwith to trace out or reconstitute the service register of the petitioner and send a revised pension along with the service register to the 2nd respondent and consequently direct the



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second respondent after receiving revised pension proposal to sanction and pay the revised pension with effect from 01.03.2017 along with arrears to the petitioner in accordance with the orders passed by this Hon'ble Court in G.O.Ms.No.90, School Education Department dated 09.05.2018 with other monetary and consequential service benefits to the petitioner with reasonable interest, within a time frame stipulated by this Court and pass orders.

2. The facts of the case is that the petitioner was appointed as a Temporary Craft Instructor (Agriculture) in the Government Higher Secondary School, Kurukathi and promoted as B.T. Assistant in the 6th respondent school, and retired on 31.08.2005. The grievance of the petitioner is that by virtue of the order passed in Rev.appln.No.227 of 2015 dated 09.12.2016, he is entitled to avail the benefits of G.O.Ms.No.216 dated 22.03.1993. The said order was also implemented in G.O.Ms.No.90 dated 09.05.2018 and accordingly the 6th respondent had re-presented the revised pension proposal dated 19.06.2019 to the second respondent seeking approval for the grant of a revised pension. However, the same was returned by the second respondent on 08.07.2019



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citing that no service register was annexed with the proposal. A copy of the said letter was received by the petitioner on 24.04.2019 with an endorsement. At this juncture, the petitioner came to know that his service register was found missing while it was sent by the HM to the office of CEO and DEO, Thiruvarur District. The 6th Respondent School officials have fabricated the said communication letter dated 08.07.2019 sent by the second respondent by putting petitioner's signature with an endorsement that he had received his Service Register. A mere comparison of both the communication letters would clearly reveal that the handwriting and signature are not one and the same. The sum and substance of the case is that without any requisition letter from the petitioner and without following the procedures and approval from the concerned authorities, the Service Register was mishandled by the Respondents 4 to 6 and the same was lost by them. It is the further case of the petitioner that even after being aware of the fact that the Service Register is lost, the respondents have not taken any action to trace out/reconstruct the Service Register to enable the petitioner to receive the revised pensionary benefits. Hence, the petitioner has come up with this petition seeking to trace out or reconstitute the service register of the



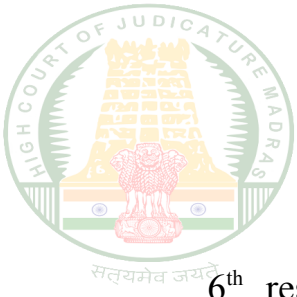
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petitioner and send a revised pension along with the service register to the second respondent and pay the terminal benefits due to the petitioner.

3. The learned counsel for the petitioner submitted that the 6th respondent school officials fabricated the said communication letter dated 08.07.2019 sent by the 2nd respondent/Principal Accountant General by putting petitioner's signature. He further submitted that a mere comparison of both the communication letters dated 08.07.2019 of the second respondent/Principal Accountant General would clearly reveal that the handwriting and signature are not one and the same. Hence, prays to allow this petition.

4. *Per Contra*, the learned Government Advocate appearing for the 4th respondent has filed a counter affidavit, wherein it was stated that the petitioner has received his original Service Register along with a copy of the letter of the Accountant General, Chennai on 24.07.2019. The petitioner has prepared a duplicate copy of the Service Register and subsequently submitted during the month of August 2021. It is submitted that a perusal of the duplicate copy of Service Register submitted to the



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6th respondent reveals that several xerox copies of original service register has been pasted in the duplicate Service Register. The petitioner has not explained anything as to how he has taken Xerox Copy of the Service Register. Hence, prays to dismiss this petition.

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

6. The subject matter of this writ petition can be solved by comparing the signature. Accordingly, this Court decided to refer the matter to the Forensic Department on 20.03.2025 and appointed an Advocate Commissioner to compare and produce the report of the documents on or before 03.04.2025. However, the Forensic Department sought adjournments and, even today, although they are ready with the report, they have sought a further seven days time to produce the report. Hence, this Court decided to pass orders on the facts of the case.

7. On going through the facts of the case, it is made clear that the petitioner is not responsible for the loss of his service register which is evident from the letter dated 19.06.2019 sent by the 6th respondent to the second respondent, wherein it has been stated that the proposal was forwarded to the Accountant General Office without the Service Register,



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and the same was also acknowledged by the second respondent, that no service register was attached therein with the pension proposal. Then how could the petitioner have received the Service Register book and made an endorsement?

8. For the foregoing reasons, this Court directs the respondents 4 to 6 to either trace out or reconstitute the Service Register of the petitioner and send a revised pension proposal along with the Service Register within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above observations, this writ petition stands disposed of. No Costs.

25.04.2025

Index: Yes/No

Speaking order/Non-speaking order

smn

Note: The Registry is directed to collect the papers which was sent to the Forensic Department and put up with this bundle.



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To.

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