



W.P.(MD).No.27662 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27662 of 2024

and

W.M.P(MD) No.23476 of 2024

S.P.Balasubramanian

... Petitioner

Vs.

1. The Principal Secretary to
Government of Tamil Nadu,
Department of Higher Secondary
School Education,
Secretariat,
Chennai.
2. The Principal Accountant General,
Accounts and Establishment,
361, Anna Salai,
Tenampettai, Chennai – 18.
3. The Joint Director (Establishment)
Department of Higher Secondary School
Education,
College Road,
Chennai – 6.
4. The District Education Officer,
Office of the District Education Officer,
Thiruchendure,
Thoothukudi District.



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5. The Headmaster,
Arulmigu Senthil Andavar Government
Boys Higher Secondary School,
Tiruchendur.

6. The Chief Educational Officer,
Thoothukudi District.

... Respondents

(R6 is suo motu impleaded vide order
of this Court dated 20.01.2025 in
W.P(MD) No.27662 of 2024)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent 3887/A1/2016, ... 01.2020 letter dated 24.01.2020 and quash the same as illegal and arbitrary and in consequence thereof direct the third respondent to release the retirement benefits to the petitioner in accordance with law.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 & R3 : Mr.T.Amjadkhan
to R6 Government Advocate

For R2 : Mr.S.Mahalakshmi
Standing Counsel

ORDER

The instant writ petition has been filed by a retired Record Clerk, who was working in the fifth respondent School, challenging the order passed by



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the fourth respondent herein on 24.01.2020, wherein, the request of the petitioner for disbursement of retirement benefits has been rejected.

2. A perusal of the impugned order reveals that the petitioner has joined in the fifth respondent School on 27.12.1996 and he had attained superannuation on 30.04.2012. While the petitioner was in service, he had availed leave between 09.01.2001 and 30.09.2002, 01.09.2004 and 09.04.2010 and 18.02.2012 and 30.04.2012. These leave periods have not been regularized by the competent authorities. Therefore, immediately after retirement the terminal benefits were not released to the writ petitioner. Hence, the petitioner has given a representation and later filed a Writ Petition in W.P(MD) No.22538 of 2019 seeking a Mandamus for disbursement of retirement benefits and pension to the writ petitioner. This Court, by an order, dated 24.10.2019 had directed the respondents to consider the representation of the petitioner and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order.

3. In compliance with the orders of this Court, the present impugned order has been passed by the fourth respondent herein on 24.01.2020



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rejecting the request of the petitioner for releasing the terminal benefits on the sole ground that the period of leave availed by the writ petitioner so far not been regularized. That apart, it is stated that the petitioner has never given any application for regularization of the leave period.

4. Pending Writ Petition, this Court has directed the writ petitioner to submit an application to the fifth respondent seeking to regularize the leave period. Accordingly, the writ petitioner has submitted the application on 23.12.2024. The fifth respondent has forwarded the same to the Chief Educational Officer, Thoothukudi District, on 24.12.2024. Therefore, the request of the petitioner is now pending before the Chief Educational Officer, Thoothukudi, for forwarding the same to the first respondent.

5. In view of the above said deliberations, the sixth respondent is directed to forward the proposal to the Director of School Education, who in turn, shall forward the same to the first respondent, within a period of eight weeks from the date of receipt of a copy of this order. On receipt of the same, the Director of School Education is directed to consider



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the same on merits and forward the same to the first respondent within a period of twelve weeks thereafter.

6. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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20.01.2025
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