



W.P.(MD)No.28355 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.28355 of 2024
and
W.M.P.(MD)No.24030 of 2024

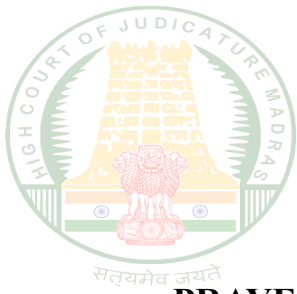
Umapathi

... Petitioner

-VS-

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600009.
- 2.The Accountant General,
361, Anna Salai,
Teynampet,
Chennai - 600018.
- 3.The District Educational Officer (Elementary),
Pudukkottai District,
Pudukkottai.
- 4.The Block Educational Officer,
(Formally AEEO),
Thirumayam Block - II,
Thirumayam,
Pudukkottai 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 second respondent to forthwith disburse the retirement benefit of the petitioner calculating the service period from 15.09.1987 to 31.05.2023 and also by including the benefit of G.O.Ms.No.234 dated 10.09.2009.

For Petitioner : Mr.P.M.Vishnuvarthanan

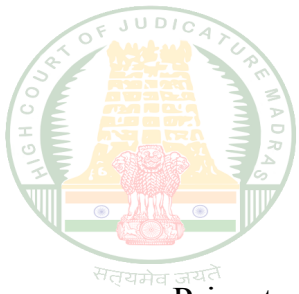
For R1, R3 and R4 : Mr.M.Siddharthan
Additional Government Pleader

For R2 : Ms.S.Mahalakshmi
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the second respondent to forthwith disburse the petitioner's retirement benefits, calculating the service period from 15.09.1987 to 31.05.2023 and including the benefit under G.O.No.234, Department of School Education, dated 10.09.2009.

2. According to the petitioner, she retired from service on superannuation on 31.05.2023 while serving as a Middle School Headmaster at Kattupa (Ka.Pallivasal), Thirumayam Taluk, Pudukkottai District. The present writ petition has been filed seeking directions for disbursal of her retirement benefits.



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Prior to her retirement, the petitioner had filed a writ petition in W.P.(MD)No. 4594 of 2010, seeking the benefit under G.O.No.234, School Education Department, dated 10.09.2009, to include her service rendered between 15.09.1987 and 02.06.2002 as part of her qualifying service along with her tenure as 'Primary School Headmaster'.

3. The said writ petition was dismissed on 17.09.2010. Aggrieved by the same, the petitioner preferred W.A.(MD)No.1673 of 2011, which was allowed by the Hon'ble Division Bench of this Court on 23.12.2011, directing the respondents to include her service period from 15.09.1987 to 02.06.2002 for all service and retirement benefits. In view of the order dated 23.12.2011 in the writ appeal, the petitioner became entitled to the benefit of G.O.No.234, dated 10.09.2009. However, it is submitted that a letter issued by the first respondent in Letter No.U749/EE1(2)/2011-5 dated 27.10.2014 to the Accountant General arbitrarily restricted the applicability of the G.O. to only 63 persons. This restriction is unjust, especially, since similarly situated individuals, including the petitioner also obtained favourable orders and no appeal or revision was filed by the respondents against the same.

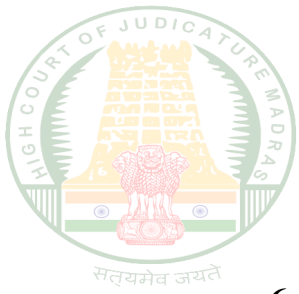


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4. The petitioner made a representation on 30.11.2022, requesting that her benefits be calculated and disbursed in the light of the judgment of the Hon'ble Division Bench of this Court. However, no action was taken by the respondents. A reminder was also sent on 26.07.2023, but it evoked no response. Consequently, the petitioner filed W.P.(MD)No.18725 of 2023, seeking a direction to record the benefits of G.O.No.234 in her service register, as per the judgment of the Hon'ble Division Bench of this Court and to disburse the retirement benefits accordingly, within a time frame to be fixed by this Court.

5. It is submitted that the first respondent had earlier issued two conflicting communications *viz.*, one in Na.Ka.No.13368/T3/2013 dated 10.02.2013 and another in Letter No.16749/EE1(2)/2011-5, dated 27.10.2014, which are contradictory to each other. The second respondent is the competent authority to process retirement benefits, but after the petitioner's retirement, the fourth respondent had passed the impugned order in Na.Ka.No.570/T/A2/2023 dated 31.05.2023, which was not communicated to the petitioner until she filed the writ petition on 27.07.2023.



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6. The impugned order refers to a communication by the second respondent dated 28.04.2023 and purports to cancel the earlier order in Na.Ka.No. 2195/A2/2013 dated 20.11.2013, which had fixed her Special Grade as Elementary Headmaster from 15.09.2007. This cancellation came after more than 10 years and post her retirement, without considering the binding judgment in W.A.(MD) No.1673 of 2011. Therefore, the petitioner is left with no alternative remedy and has been compelled to approach this Court by way of the present writ petition seeking appropriate directions.

7. The learned counsel appearing for the petitioner submits that the petitioner may be permitted to submit a fresh representation detailing all her grievances to the respondents 2 and 3 and that the same may be directed to be considered in accordance with law, within a time frame to be fixed by this Court.

8. Heard both sides.

9. Considering the above said facts and circumstances of the case, this Writ Petition is disposed of, with a direction to the petitioner to submit a fresh



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representation outlining her grievances to the respondents 2 and 3, within a period of one week from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents 2 and 3 shall consider it on merits and pass appropriate orders in accordance with law, within two weeks thereafter. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 2 and 3 to consider the same on its own merits. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2
To:-

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- 1.The Principal Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600009.
- 2.The Accountant General,
361, Anna Salai,
Teynampet,
Chennai - 600018.
- 3.The District Educational Officer (Elementary),
Pudukkottai District,
Pudukkottai.



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4. The Block Educational Officer,
(Formally AEEO),
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VIVEK KUMAR SINGH, J.

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