



WEB COPY



W.P.No.7538 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7538 of 2024

Thangappan

... Petitioner

Vs.

1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Account General (T.N.),
Teynampet,
Chennai-600 018.

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

4.The Pay and Accounts Officer,
Kancheepuram,
Kancheepuram District.

5.The Chief Educational Officer,
Kancheepuram.

6. The Head Master,
Government Higher Secondary School,
Polambakkam,
Kancheepuram District.

....Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents herein to treat the period of absence of the petitioner to duty from 18.01.2006 to 10.12.2009 as extra-ordinary leave on medical certificate and count the above said period as qualifying service for the purpose of pension and grant pension to the petitioner.

For Petitioner : Mr.M.Venkadeshnan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1, R3, R5 and R6
Mr.P.Manorajan for R2

ORDER

This Writ Petition has been filed to direct the respondents herein to treat the period of absence of the petitioner to duty from 18.01.2006 to 10.12.2009 as extra-ordinary leave on medical certificate and count the aforesaid period as qualifying service for the purpose of pension and grant pension to the petitioner.

2. The case of the petitioner is that the petitioner was appointed as P.G.Assistant on 16.10.1997 at Government Higher Secondary School, Uthiramerur and thereafter, he was frequently transferred to various Schools and he was allowed to retire from service on attaining the age of



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superannuation on 31.05.2012. While he was working as PG Assistant at Government Higher Secondary School, Thellar, Thiruvannamalai District, he was suffered with ill health and hence, he could not attend duty from 18.01.2006 to 10.12.2009. After recovery, he joined duty on 11.12.2009. After joining the duty, he was issued with charge memo alleging unauthorized absence to duty from 18.01.2006 to 10.12.2009 and the petitioner submitted his explanation. In the meanwhile, he attained the age of superannuation and was allowed to retire from service on 30.01.2012. The departmental disciplinary proceedings ended with an order of punishment of recovery of Rs.200/- from his pension for a period of one year passed by the first respondent in G.O.(1D).No.25, School Education [PK2(1)] Department dated 10.02.2014. Thereafter, the petitioner has sent a representation on 23.11.2015 to the respondents to treat the period of absence of the petitioner to duty from 18.01.2006 to 10.12.2009 as extra-ordinary leave on medical certificate and count the aforesaid period as qualifying service for the purpose of pension and grant pension to the petitioner, however, the same has not been considered. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that it would suffice, if the first respondent is directed to dispose of the representation of the petitioner, dated 23.11.2015 on merits and in accordance with law, within a specified period.

4. The learned Special Government Pleader appearing for the respondent Nos.1, 3, 5 and 6 and the learned counsel appearing for the second respondent have no objection for such an order being passed by this Court.

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner, dated 23.11.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

09.01.2026

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

- 1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Account General (T.N.),
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Chennai-600 018.
- 3.The Director of School Education,
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