

Madras High Court

T.D.Sundararajan vs The Director Of School Education on 14 December, 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2009

CORAM:

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

W.P.No.11168 of 2006

.....

T.D.Sundararajan

... Petitioner.

Vs.

1.The Director of School Education
College Road,
chennai 600 006.

2.The Chief Educational Officer
Cuddalore District,
Cuddalore.

3.The District Educational Officer
Cuddalore District,
Cuddalore.

4.The Correspondent
Danish Mission Higher Secondary School,
Nellikuppam,
Cuddalore District.

5.The Headmaster
Danish Mission Higher Secondary School,
Nellikuppam,
Cuddalore District.

... Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India praying to iss

For Petitioner : Mr.G.Jawaharlal

For Respondents : Mrs.C.K.Vishnupriya
Additional Government Pleader

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O R D E R

The writ petition has been filed praying to issue a Writ of Mandamus directing the respondents 4 and 5 herein to send the petitioner's provident fund proposal to the third respondent herein with correct and true account pointed out by the petitioner as per his representation dated 10.03.2006.

2.The petitioner is a retired teacher from the fourth respondent School. The petitioner retired on 31.05.2001. After retirement, the terminal benefits were not settled, in spite of several representation made by the petitioner and therefore, the petitioner approached this Court by filing W.P.No.7620 of 2003 and an order was passed on 07.01.2005, which reads as follows:-

"4.Heard both sides, it is not in dispute that the petitioner is entitled for the full pension and provident fund and other terminal benefits with effect from 01.06.2001, even though he had been paid only the provisional full pension. Therefore, there shall be a direction to the respondents 1 and 2 to pay the arrears and full pension and other terminal benefits payable to the petitioner from 01.06.2001 within six weeks from the date of receipt of the relevant papers from the respondents 3 and 4. The writ petition is disposed of accordingly. No costs."

3.The grievances of the petitioner is that all the terminal benefits were settled except provident fund, inspite of specific direction of this Court. Petitioner made a representation on 10.03.2006, to the District Educational Officer, Cuddalore highlighting his grievances as above and said representation has not been disposed of. Hence, the present writ petition has been filed.

4.Though, no counter has been filed so far. The learned counsel for the respondent states that error in calculations submitted by the petitioner can be produced before the Chief Educational Officer who would deal with the matter as may be directed by this Court.

5.Considering the statement of the petitioner as above and in view of the statement made by the respondent's counsel, the Chief Educational Officer/second respondent is directed to give an opportunity to the petitioner, to submit his representation setting out the error in calculations in settlement of the retirement benefits, and the same shall be considered by the second respondent on merits. Second respondent is directed to pass appropriate order within one month from the date on which the petitioner submits his representing calculations as permitted by this order. The writ petition stand disposed of as above. No costs.

vsm To

1.The Director of School Education College Road, chennai 600 006.

2.The Chief Educational Officer Cuddalore District, Cuddalore.

3.The District Educational Officer Cuddalore District, Cuddalore.

- 4.The Correspndent Danish Mission Higher Secondary School, Nellikuppam, Cuddalore District.
- 5.The Headmaster Danish Mission Higher Secondary School, Nellikuppam, Cuddalore District