



W.P.(MD).No.29207 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.29207 of 2023

and

W.M.P(MD) Nos.25262 and 25263 of 2023

S.Subbulakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Home (Police VI) Department,
Secretariat,
Chennai – 600 009.
2. The Director General of Police,
Office of the Director General of Police,
Tamil Nadu,
Chennai – 600 004.
3. The Commandant,
TSP VIIth Batalion,
Pochampalli,
Krishnagiri District,
4. The Commandant,
TSP VIth Batalion,
Reserve Line,
Madurai – 14.



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5. The Assistant Commandant,
TSP VIth Batalion
Reserve Line,
Madurai – 14.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fifth respondent vide his impugned proceedings in C.No.E4/10762/2023 B.O.823/2023, dated 11.10.2023 and consequential impugned order passed by the third respondent in Na.Ka.No.D1/14741/2022, dated 16.10.2023 and consequential impugned order passed by the third respondent in Na.Ka.No.A1/15523/2022, dated 20.10.2023 and quash the same as illegal and consequentially to direct the respondents to disburse the Contribution amount payable to the petitioner along with accrued interest thereon within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates
For Respondents : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed by the wife of the deceased employee seeking to quash the order passed by the fifth respondent herein on 11.10.2023 and the consequential order passed by the third respondent on 16.10.2023.



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2. The petitioner's husband, who was working as a Havildar had passed away on 15.10.2022 and his retirement benefits were not disbursed by the authorities. Hence, the wife of the deceased employee had approached the authorities for disbursement of the said amount. The authorities had pointed out that the petitioner's husband was imposed with three punishments of Stoppage of increment which is quantified to a sum of Rs.1,77,819/- (Rupees One Lakh Seventy Seven Thousand Eight Hundred and Nineteen only) and the said amount has to be recovered from the writ petitioner. The impugned order, further points out that the petitioner's husband has borrowed a loan for purchasing a four wheeler, for which, an amount of Rs.1,53,024/- (Rupees One Lakh Fifty Three Thousand and Twenty Four only) is due. Therefore, as per the impugned order, a sum of Rs.3,30,843/- (Rupees Three Lakhs Thirty Thousand Eight Hundred and Forty Three only) is due to the Government. Unless the said amount is paid, the C.P.S amount of Rs.16,88,404/- (Rupees Sixteen Lakhs Eighty Eight Thousand Four Hundred and Four only) would not be released. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the petitioner, there are no provisions either under the Fundamental Rules or under the State



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Subordinate Service Rules to recover the unimplemented increment, that too, as against the deceased Government servant. Hence, he questions the authority of the Government to retain a sum of Rs.1,77,819/- (Rupees One Lakh Seventy Seven Thousand Eight Hundred and Nineteen only). However, on instructions, he submits that the authorities may be permitted to retain the said amount of Rs.3,30,843/- (Rupees Three Lakhs Thirty Thousand Eight Hundred and Forty Three only) and the balance amount may be disbursed to the writ petitioner. The petitioner may be granted liberty to challenge the retention of a sum of Rs.1,77,819/- (Rupees One Lakh Seventy Seven Thousand Eight Hundred and Nineteen only) by way of independent proceedings.

4. Considering the above said facts, this Court is inclined to pass the following orders:

(i) The third respondent is permitted to retain a sum of Rs.3,30,843/- (Rupees Three Lakhs Thirty Thousand Eight Hundred and Fourty Three only) and is directed to disburse the balance amount to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order; and

(ii) The petitioner is granted liberty to challenge the retention of a sum



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of Rs.1,77,819/- (Rupees One Lakh Seventy Seven Thousand Eight Hundred and Nineteen only) towards unimplemented increment cut, by independent proceedings, if she is so advised.

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

18.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Chief Secretary to Government,
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Chennai – 600 009.
2. The Director General of Police,
Office of the Director General of Police,
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R.VIJAYAKUMAR,J.

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