

W.P.(MD)No.11844 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **06.07.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.11844 of 2026

R.Mathivanan

... Petitioner

vs.

1.The Director of Elementary Education,
Chennai – 6.

2.The District Educational Officer (Elementary),
Thanjavur District.

3.The Principal Accountant General,
Office of the Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai – 18.

4.The District Treasury Officer,
Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to disburse the death cum retirement gratuity amount to the tune of Rs.800800/- (Eight Lakh and Eight Hundred Rupees only) along with proportionate interest to the petitioner in accordance with Section 45A of the Tamil Nadu Pension Rules, 1978, within the time period stipulated by this Court.



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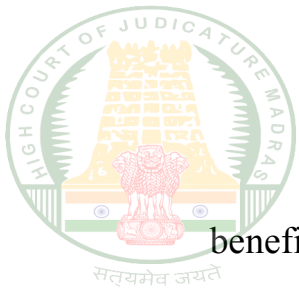
For Petitioner : Mr.T.Aswin Raja Simman
For R-1 & R-2 : Mr.M.Dinesh Hari Sudarsan
and R-4 Counsel for Government of Tamil Nadu
(Civil Side)
For R-3 : Mr.P.Gunasekaran

ORDER

Heard Mr.T.Aswin Raja Simman, learned Counsel for the Petitioner, Mr.M.Dinesh Hari Sudarsan, learned Counsel for Government of Tamil Nadu for respondents 1, 2 and 4 and Mr.P.Gunasekaran, learned Counsel for the 3rd Respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to disburse the death cum retirement gratuity amount to the tune of Rs.800800/- (Eight Lakh and Eight Hundred Rupees only) along with proportionate interest to the petitioner in accordance with Section 45A of the Tamil Nadu Pension Rules, 1978.

3. The petitioner, who worked as Assistant Elementary Educational Officer at Thiruvaidaimaruthur Block, Thanjavur District, retired from service on 31.05.2014. Thereafter, all the other terminal



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benefits of the petitioner were settled. However, the Death-cum-Retirement Gratuity to the tune of Rs.8,00,800/- has not been settled on the ground that there are certain audit objections with regard to the discharge of the petitioner's functions in connection with pay re-fixation and the sanction of arrears to the employees. In spite of the fact that more than 12 years have elapsed, admittedly, no steps have been taken against the petitioner either by initiating disciplinary proceedings or otherwise.

4. In response to the notice issued by this Court, the 2nd respondent filed a counter affidavit pointing out that there is an objection with regard to the irregular pay re-fixation and payment of salary arrears to 7 Primary School Headmasters, who are stated to have been paid excess amounts to the tune of Rs.5,73,117/-. Out of the 7 employees, 5 of them have repaid the excess amounts received by them, and 2 of them, viz., C.Anbalagan and D.Kaliyaperumal, are yet to repay the amounts to the tune of Rs.3,16,484/- and Rs.1,06,473/-, respectively. Thus, the 2nd respondent seeks to justify the withholding of the DCRG amount and contends that only after recovery of the excess amounts from the said two employees, the DCRG amount payable to the petitioner would be released.



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5. I have carefully considered the submissions of both sides and I

have gone through the entire materials available on record.

6. Admittedly, the petitioner retired from service as early as on 31.05.2014. The DCRG amount to which he is otherwise legally entitled has been withheld by the respondents on the ground that there are certain audit objections with regard to the discharge of the petitioner's functions in connection with pay re-fixation and the sanction of arrears to the employees. If it is found that there was any misconduct or illegality committed by the petitioner, it is always open to the respondents to initiate appropriate proceedings in accordance with law. However, in the instant case, no such steps have been taken against the petitioner as on date. After a lapse of more than 12 years, the respondents cannot initiate any disciplinary proceedings against the petitioner either for recovery or otherwise, as the same would cause severe prejudice to the petitioner due to the long lapse of time.

7. Admittedly, 5 out of the 7 employees have already repaid the excess amounts drawn by them, and 2 employees are yet to repay the said amounts. If the respondents are of the view that the said employees, viz.,



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C.Anbalagan and D.Kaliyaperumal, are not entitled to the amounts already drawn by them to the tune of Rs.3,16,484/- and Rs.1,06,473/-, respectively, it is always open to the respondents to take appropriate steps for recovery of the said amounts in accordance with law. However, instead of taking such steps for recovery of the said amounts, the respondents have been withholding the DCRG amount payable to the petitioner. It is settled law that the DCRG amount cannot be withheld or made the subject matter of any attachment or recovery.

8. In the circumstances, this Court does not find any justification for the respondents to withhold the DCRG amount payable to the petitioner. Accordingly, the respondents are directed to forthwith release the DCRG amount of Rs.8,00,800/-, together with interest at the rate of 6% per annum, at any rate within a period of six weeks from the date of receipt of a copy of this order. It is made clear that the District Educational Officer concerned is at liberty to take appropriate steps, in accordance with law, for recovery of the amounts alleged to have been paid in excess of the entitlement of the said two persons, viz., C.Anbalagan and D.Kaliyaperumal, to the tune of Rs.3,16,484/- and Rs.1,06,473/-, respectively.



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06.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

To:

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MUMMINENI SUDHEER KUMAR, J.

Nsr

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