

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25563 of 2015

A.Anbazhagan

... Petitioner

Vs.

- 1 The Government of Tamil Nadu
Rep. by its Secretary to Government Rural
Development Department Fort St. George
Chennai-600 009.
 - 2 The Director of Rural
Development Panagal Building Saidapet
Chennai-600 015.
 - 3 The Director of Local Fund
Audit Kuralagam 4th Floor Chennai-600 108.
 - 4 The District Collector
Thoothukudi District Thoothukudi.
- ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to pass appropriate order to release the payment of Rs.1 37 000/- which was withheld from petitioners gratuity.

For Petitioner : Mr.V.Suthakar
For Respondents : Mr.V.Subbiah
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner is a retired Deputy Block Development Officer who attained the age of superannuation on 29.02.2012 and the fourth respondent has also passed an order permitting him to retire from

service subject to the condition that a sum of Rs.1,37,000/- will be recovered from his gratuity with regard to the discharge of his duty while he was working as Extension Officer, (Noon Meal) (now re designated as Deputy Block Development Officer) between 07.06.2002 and 11.07.2005 at Vilathikulam Panchayat Union, Thoothukudi District. The allegation levelled against the petitioner for ordering the recovery of the said amount is that he has implemented Noon Meal Scheme for unaided High Schools namely, Kaviarasu Annamalai Reddiyar Memorial High School Villathikulam and St.Pals High School, V.Vedapatti.

3.It is the claim of the petitioner that Noon Meal Scheme was adopted and implemented to in respect of un-aided schools even prior to the year 2004 and for that period no audit objection were raised and only when the petitioner extended the Noon Meal Scheme in Vilathikulam, such an audit objection was raised. It is also the stand of the petitioner that he is noway responsible for providing Noon Meal to un-aided schools. The petitioner in this regard has submitted a detailed representation dated 19.02.2015 and since no orders were passed, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner has drawn the attention of this Court to the proceedings of the fourth respondent in Va9/10779/2012 dated 31.03.2012 and would submit that in respect of the very same two schools the fourth respondent has passed proceedings stating that the individuals cannot be upheld responsible and therefore, there cannot be any impediment on the part of the second respondent to disburse the gratuity amount withheld and prays for appropriate orders.

5.Heard the submissions of Mr.V.Suthakar, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation dated 19.02.2015 on merits and in accordance with law after taking note of the proceedings of the fourth respondent in Va9/10779/2012 dated 31.03.2012 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

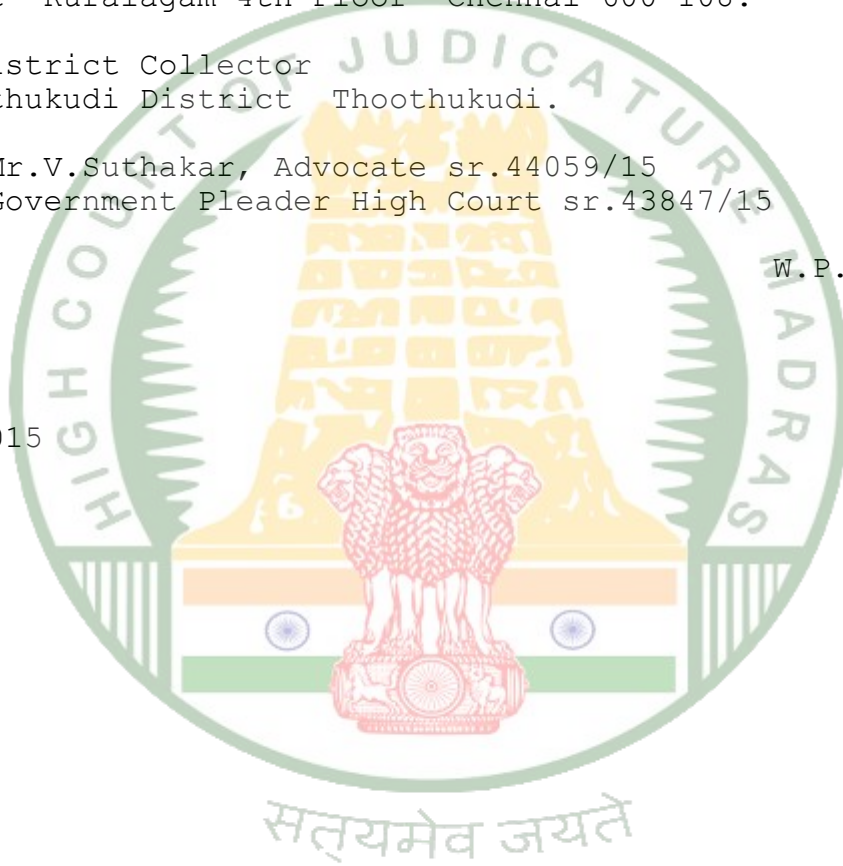
- 1 The Secretary to Government of TamilNadu,
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+1 cc to Mr.V.Suthakar, Advocate sr.44059/15

+1 cc to Government Pleader High Court sr.43847/15

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