

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.09.2017

CORAM

THE HONOURABLE MR. JUSTICE. M.DHANDAPANI

W.P.No.35036 of 2004

V.Alamelu

.. Petitioner

Vs

1.The Commissioner and Director
of Adi Dravidar Welfare,
Chennai 600 005.

2.The District Adi Dravidar and
Welfare Officer,
Salem District,
Salem.

3.The Tahsildar (SPI),
Adi Dravidar Welfare,
Omalar 636 455.

4.The Principal Accountant
General (A. & E.),
Tamil Nadu,
Chennai 600 018.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the fourth respondent relating to Lr.No.AG:A. & E./PEN P09/5/A174-2745/RTD/99-2000/1669, dated 14.07.2000, quash the same to the limited extent of withholding of a sum of Rs.50,000/- from the D.C.R.G payable to the petitioner and to issue consequential directions to the respondents to refund the sum of Rs.50,000/- to the petitioner with interest of 18% per annum for the period from July 2000 till the date of refund.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.M.Elumalai, Govt. Advocate
for R.3

Mr.T.Ravikumar, ACGSC
for R.4

O R D E R

The writ petition has been filed to call for the records of the fourth respondent relating to Lr.No.AG:A. & E./PEN P09/5/A174-2745/RTD/99-2000/1669, dated 14.07.2000, quash the same to the limited extent of withholding a sum of Rs.50,000/- from the D.C.R.G payable to the petitioner and to issue consequential directions to the respondents to refund the sum of Rs.50,000/- to the petitioner with interest of 18% per annum.

2.The case of the petitioner is as follows:

2.1.The petitioner joined the service on 09.07.1962 as Secondary Grade Headmistress in the School run by Adi Dravidar and Tribal Welfare Department and retired from service on 31.03.1999 on attaining the age of superannuation.

2.2.After the retirement of the petitioner, the fourth respondent by letter dated 27.04.2000 intimated the third respondent that the pay fixed for the petitioner as on 01.06.1988 on par with his junior Tmt.N.Thavamani was not correct and hence, the excess pay and allowances has to be recovered from the petitioner and accordingly passed an order of recovery, withholding a sum of Rs.50,000/- while disbursing DCRG to the petitioner. Aggrieved by the said order, the present writ petition has been filed.

3.The learned counsel for the fourth respondent has submitted that on receipt of pension proposals, it was noticed by the fourth respondent that the pay of the petitioner has been fixed in Special Grade Primary School Headmaster i.e. in 2000-3200 scale with effect from 1.6.1988 on par with his junior Smt.Dhavamani and the same was objected and hence, the recovery order was passed withholding a sum of Rs.50,000/- from the gratuity of the petitioner. As the third respondent had not taken any steps to rectify the erroneous fixation of pay, on filing of this writ petition by the petitioner, the fourth respondent released the withheld amount of Rs.50,000/- on 11.7.2006. Since the grievance of the petitioner had already been redressed, the learned counsel submitted that the writ petition may be closed.

4.On perusal of the counter affidavit filed by the fourth respondent, it is seen that the fourth respondent had released the withheld amount of Rs.50,000/- on 11.7.2006. The relevant portion of the counter affidavit of the fourth respondent is extracted under:

"Smt. V.Alamelu retired as Headmistress, Adi-Dravidar Primary Shool on 31.3.1999. On receipt of pension proposals it was noticed

that her pay has been fixed in Special Grade Primary School Headmaster i.e. in 2000-3000 scale with effect from 1.6.1988 under the pretext of stepping up of her pay on par with her junior Smt.Dhavamani. This erroneous fixation and regulation was objected by this respondent and the third respondent was intimated accordingly for rectification. Pensionary benefits were authorized with reference to pay of Rs.7,700/- in Special Grade Secondary Grade Teacher scale of pay withholding Rs.50,000/- from her gratuity pending reply from the departmental respondents.

As the petitioner had filed this petition specifically seeking release of the withheld amount of Rs.50,000/- and the third respondent had not taken steps to rectify the erroneous fixation of pay, the withheld amount of Rs.50,000/- was released on 11.7.2006 by this respondent office. Thus, it is submitted that the grievance of the petitioner had been redressed already."

5. As the grievance sought for by the petitioner has already been redressed by the fourth respondent, nothing survives in the writ petition. Hence, the writ petition is closed. There is no order as to costs.

Sd/--
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

1.The Commissioner and Director
of Adi Dravidar Welfare,
Chennai 600 005.

2.The District Adi Dravidar and
Welfare Officer,
Salem District,
Salem.

3.The Tahsildar (SPI),
Adi Dravidar Welfare,
Omalur 636 455.

4.The Principal Accountant
General (A. & E.),
Tamil Nadu,
Chennai 600 018.

+lcc to Mr.T.Ravi Kumar, Advocate, S.R.No.63861
+lcc to Government Pleader,SR.No.66634

W.P.No.35036 of 2004

BR(CO)
GN(27/10/2017)



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