



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.12273 of 2017

&

W.M.P. (MD) No.9432 of 2017

S.Balasubramanian

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Director of Elementary Education,
D.P.I. Campus,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
4. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No.2840/A1/2012, dated 16.02.2017, quash the same and direct the respondents to disburse the Gratuity, Provident Fund, Salary arrears and other terminal benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.K.Guru
Additional Government Pleader

**ORDER**

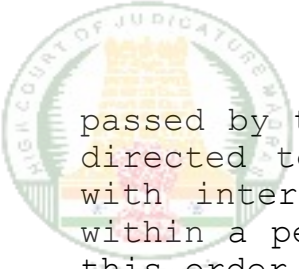
This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the fourth respondent in Na.Ka.No.2840/A1/2012, dated 16.02.2017 and to direct the respondents to disburse the Gratuity, Provident Fund, Salary arrears and other terminal benefits to the petitioner, within a time frame to be fixed by this Court.

2.The petitioner having joined the services of the first respondent on 01.11.1974 as Assistant Teacher, got promotion as Assistant Elementary Educational Officer on 10.07.2009. After 37 years of unblemished service, he reached the age of superannuation on 31.05.2012, while serving as Assistant Elementary Educational Officer at Vasudevanallur. Therefore, the second respondent, by his proceedings, dated 29.05.2012, has permitted the petitioner to retire from service with effect from 31.05.2012. Accordingly, he was relieved from service and the proposal for his terminal benefits was sent to the Accountant General and other authorities. The Accountant General has also sanctioned Pension, Gratuity and commuted value of pension, by his proceedings in No.P.25/12508332/4/PPO No.R.2508332, dated 19.03.2014. With this background, the learned counsel for the petitioner submitted that till date, the petitioner's Gratuity, commuted value of pension, Provident Fund, Special Provident Fund and Leave salary are not disbursed.

3.The learned counsel for the petitioner drawing the notice of this Court to the proceedings, dated 29.09.2014, issued by the District Elementary Educational Officer, Tirunelveli, the fourth respondent herein, submitted that when a certificate has been issued stating that on the date of reliving of the petitioner, i.e., on 31.05.2012, no charges were pending against him and no Government dues were to be recovered from him, hence, the respondents cannot further delay the settlement of the petitioner's Gratuity, commuted value of pension, Provident Fund, Special Provident Fund and Leave salary.

4.Mr.K.Guru, learned Additional Government Pleader, who takes notice for the respondents submitted that the petitioner was allowed to retire from service with effect from 31.05.2012, but due to inadvertence, his Gratuity, commuted value of pension, Provident Fund, Special Provident Fund and Leave salary could not be sanctioned by the respondents 2 to 4. Therefore, a direction may be issued to the respondents to settle the abovesaid benefits to the petitioner within a time frame.

5.It is well settled legal position that if the retiral benefits of the Government servants are not settled as per the Tamil Nadu Pension Rules, they are entitled to receive the retiral benefits with interest. Hence, the impugned order dated 16.02.2017,



passed by the fourth respondent, is set aside. The respondents are directed to disburse the retiral benefits to the petitioner along with interest as per Rule 45-A of the Tamil Nadu Pension Rules, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Director of Elementary Education,
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College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
4. The District Elementary Educational Officer,
Tirunelveli,
Tirunelveli District.

+ 1 CC TO Mr.R.SUBRAMANIAN, ADVOCATE IN SR No. 66780

SMN2

TE/JC/SAR-I : 31/07/2017 : 3P/6C

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W.M.P.(MD)No.9432 of 2017
20.07.2017