

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-12-2018

CORAM

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No. 11185 of 2005

And

W.P.M.P.No.12186 of 2005

1.R.A.Rayappan (Deceased)

2.Alexis Mary

3.John Mary

4.Jokin Stella

5.Justin Victor Sahayam

6.John Britto

7.Joseph Leo Amalraj

8.Jayanthi Angel

(P-2 to P-8 are substituted as LRs of the
deceased P-1 vide Court Order dated 5.12.2018
made in WMP No.29154 of 2018)

...Petitioners

Vs

1. The Director of Rural
Development Department,
Panagal Building,
Saidapet, Chennai-600 015.

2. The District Collector,
Dindigul District,
Dindigul.

3. The Block Development Officer,
Sanarpatti Panchayat Union,
Dindigul Taluk,
Dindigul District.

4. The Commissioner,
Chellampatti Panchayat Union,
Madurai District.

5. The Treasury Officer,
Madurai,
Madurai District.

... Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his proceeding R.C.No.1273/2003/A2 dated 22.12.2003, the impugned order of the fourth respondent in his proceeding R.C.No.567/2004/A3 dated 17.2.2004 and the impugned order of the fifth respondent in his proceeding R.C.No.14463/2004/F2 dated 26.8.2004 and quash the same and consequently, directing the respondents herein to release withheld 25% of DCRG amount of Rs.7,580/- along with recovery amount from the pension of the petitioner with interest at the rate of 24% per annum from 1.8.1987 till the date of realisation.

For Petitioners : Mr.K.Raja

For Respondents-1,2&5 : Mr.G.B.Rajesh,
Government Advocate.

For Respondent-3 : Mr.K.Elango

For Respondent-4 : Mr.D.V.Rao

O R D E R

The relief sought for in the present writ petition is to quash the proceedings of the third respondent dated 22.12.2003 and the proceedings of the fourth respondent dated 17.2.2004 and also the proceedings of the fifth respondent dated 26.8.2004 and to direct the respondents to release the withheld 25% DCRG amount of Rs.7,580/- along with recovery amount from the pension of the deceased/first petitioner with interest at the rate of 24% per annum from 1.8.1987 till the date of realisation.

2. The learned counsel, appearing on behalf of the writ petitioners, made a submission that the original writ petitioner passed away and subsequently, the legal heirs are impleaded in the present writ petition. However, during the pendency of the present writ petition, the respondents passed an order removing the audit objections and an order was issued to that effect in proceedings dated 9.8.2018.

3. In view of the removal of the audit objections, the writ petitioners 2 to 8 are entitled to get the withheld amount of DCRG interest as contemplated under the rules. The writ petitioners 2 to 8 are directed to submit necessary application for the settlement of the withheld amount. Thus, the respondents

are bound to take steps to settle all the withheld DCRG amount along with interest as applicable and settle the amount without causing any delay on account of the fact that the original writ petitioner/employee passed away, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Director of Rural Development Department,
Panagal Building, Saidapet,
Chennai-600 015.
2. The District Collector,
Dindigul District, Dindigul.
3. The Block Development Officer,
Sanarpatti Panchayat Union,
Dindigul Taluk, Dindigul District.
4. The Commissioner,
Chellampatti Panchayat Union,
Madurai District.
5. The Treasury Officer,
Madurai, Madurai District.

+1cc to Mr.K.Raja, Advocate, S.R.No.83969

+1cc to the Government Pleader, S.R.No.84457

WP No.11185 of 2005

RGN(CO)
CS/09/01/2019