



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.152 of 2018

V.Backiyavathi

... Petitioner

Vs.

1.The Regional Joint Director,
Local Fund Audit Department,
Trichirappalli Corporation
water tank complex,
1st Floor, Dindigul Road,
Trichirappalli - 620 001.

2.The Assistant Director,
Local Fund Audit Department,
Bharathidasan University,
Palkalai Perur, Trichirappalli.

3.The Bharathidasan University,
Rep.by its Registrar,
Palkalaiperur,
Trichirappalli - 620 024.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to release the 50% of DCRG amount and arrears of 25% pension amount w.e.f., 01.02.2013 in the light of audit clearance certificate issued to similarly placed person viz., Dr.G.Archunan, Professor & Head, Department of Animal Science issued by the second respondent in his proceedings in RC.No.287/A2/2016 dated 18.05.2017 and by considering the petitioner's representation dated 02.08.2017 within the period that may be stipulated by this Court.

For petitioner

: Mr.C.Ventatesh Kumar
for M/s.Ajmal Associates

For Respondents

: Mrs.S.Srimathy,
Special Govt.Pleader for R1 & R2

Mr.V.R.Shanmuganathan for R3

ORDER

The petitioner is a retired Associate Professor in the department of economics in the third respondent university. She retired from service on 30.06.2013. However, DCRG payable to the



petitioner is yet to be disbursed. This is because, there is some dispute with regard to the pension.

2. According to the respondents 1 and 2, the petitioner was working as Teacher Training Fellow from 21.12.1992 till 18.04.1995. Thereafter, she was appointed as Distance Education Officer from 19.04.1995 to 20.12.1997. Both these are non teaching posts. Therefore, they could not have been taken into account while absorbing the petitioner as Lecturer on 20.12.1997.

3. In fact, the stand of the second respondent is that excess pay need to be recovered from the petitioner.

4. This Court is not going into the merits of the matter. But, it has to be observed that the issue regarding disbursement of DCRG and payment of pension cannot be indefinitely delayed. The petitioner has already given a representation dated 02.08.2017 in this regard.

5. The respondents 1 and 2 are directed to consider the said representation and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court cannot pronounce anything on the merits of the matter. It is open to the respondents 1 and 2 to give opportunity of personal hearing to the petitioner and thereafter finalize the pension proposal. It is also made clear that if in the case of another retired employee certain concession were erroneously shown, the same cannot be taken advantage of by the petitioner.

6. This writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Director, Local Fund Audit Department,
Bharathidasan University, Palkalai Perur, Trichirappalli.

2. The Registrar, Bharathidasan University,
Palkalaiperur, Trichirappalli - 620 024.

+1CC to the Special Government Pleader SR.No.48617

W.P. (MD) No.152 of 2018
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skm