

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.16367 of 2019

and

WMP.Nos.16047, 16049 and 16054 of 2019

K. Durairaja
S/o. K. Kandaswamy,
Formerly Administrative Officer,
(superannuated from service)
Govt Royapettah Hospital,
Chennai -14.

..Petitioner

vs

1. The Director of Medical Educational
Kilpauk, Chennai-10

2. The Director & Superintendent
Government Women & Children Hospital
Egmore, Chennai-8

.. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a writ, calling for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.No.3819/Audit/2014 dated 20.04.2019 and quash the same and direct the respondents to draw and disburse the Death-cum-Retirement Gratuity amount of Rs.11,47,575/- along with interest @ 12 % p.a. From 30/08/2018 AN to till the date of disbursement, within a reasonable time.

For Petitioner : Mr. M. Muthappan
For Respondents : Mr. V. Kadirvelu,
Spl.Government Pleader

O R D E R

The petitioner filed this Writ Petition seeking direction to call for the records of the 2nd respondent in connection with the impugned order passed by him in Na.Ka.No.3819/Audit/2014 dated 20.04.2019 and quash the same and direct the respondents to draw and disburse the Death-cum-Retirement Gratuity amount of Rs.11,47,575/- along with interest @ 12 % p.a. from 30/08/2018 AN till the date of disbursement, within a reasonable time.

2. The case of the petitioner is that the petitioner entered the service as a directly recruited Junior Assistant in the year 1982. Thereafter he was promoted as Assistant in the year 1994. At the time of retirement, the petitioner was working as Administrative Officer and superannuated from service on 31.08.2018. On 31.08.2018, the petitioner was issued with an order in GO (Rt) No. 797 Health & Family Welfare (AA1) Department dated 31.08.2018 allowing him to retire from service with a condition that the amount, if any, due to the Government payable by him shall be recovered from his DCRG or retirement benefits in full. Thereafter, the petitioner's retirement benefits were not settled and finally the 2nd respondent passed the impugned order dated 20.04.2019 wherein on the ground that the petitioner caused a loss to the Government at Rs.1,54,422/- the death-cum-retirement gratuity has not been settled.

3. The learned counsel for the petitioner would submit that though the petitioner has cleared the objections raised in the audit report, through the impugned order his DCRG amount of Rs.11,47,575/- has not been paid. However, learned counsel for the petitioner submits that it would suffice, if appropriate direction is issued to the 2nd respondent to disburse the DCRG amount, after deducting the sum of Rs.1,54,422/- within a reasonable time.

4. Mr. Kadirvelu, learned Special Government Pleader concedes with the limited request made by the learned counsel for the petitioner.

5. Considering the facts and circumstances of the case and since the petitioner himself has consented for withholding of Rs.1,54,422/- as per the impugned order, I am inclined to issue direction to the first respondent, that subject to withholding the amount as per the impugned order dated 20.04.2019, the balance amount of DCRG shall be disbursed to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is permitted to file explanation for withholding of Rs.1,54,422/- within two weeks from the date of receipt of a copy of this order. Thereafter the Government may pass appropriate order, as directed above.

6. With the above direction, the Writ Petition is disposed of. Consequently, connection Miscellaneous petition is closed.

Sd/-
Asst.Registrar (Insp cell)

/true copy/

Sub Asst. Registrar

mrn

To

1. The Director of Medical Educational
Kilpauk, Chennai- 10

2. The Director & Superintendent
Government Women & Children Hospital
Egmore, Chennai-8

+1 cc to M/s.Government Pleader sr81183
+1 cc to M/s.M.Muthappan Advocate sr80973

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sj(co)
aa22/11/2019

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