

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.23224 of 2019

&

W.M.P.Nos.22913, 22915 & 22917 of 2019

K.Kolanjiyappan

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George, Chennai - 600 009

2.The Accountant General
Office of the Accountant General
261, Annasalai, Chennai - 600 018

3.The Director of School Education
College Road, Chennai - 600 006

4.The Chief Educational Officer
Ariyalur, Ariyalur District

5.The District Educational Officer
Udayarpalayam
Ariyalur District

6.The Headmaster
Government Higher Secondary School
T.Palur, Ariyalur District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 4th respondent Chief Educational Officer in Na.Ka.No.2505/A3/2019 dated --.07.2019 (received on 31.07.2019 at 2.40 p.m), quash the same, and further direct the respondents herein to sanction and disburse forthwith four month salary from February 2019 to May 2019 and retiral benefits admissible to the petitioner with admissible penal interest (18%).

For Petitioner : Ms.A.Amala
For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is to call for the records relating to the impugned order issued by the 4th respondent Chief Educational Officer in Na.Ka.No.2505/A3/2019 dated --.07.2019 (received on 31.07.2019 at 2.40 p.m), quash the same, and further direct the respondents herein to sanction and disburse forthwith four month salary from February 2019 to May 2019 and retiral benefits admissible to the petitioner with admissible penal interest (18%).

2. The case of the petitioner is that he was appointed as Vocational Instructor. After rendering thirty one years of service, the petitioner retired from the service on 31.05.2019. Even after the retirement, the four month salary and the retirement benefits were not settled in favour of the petitioner. Thereafter, the petitioner was issued with proceedings in Na.Ka.No.2505/A3/2019 by the Chief Educational Officer, Ariyalur stating that the petitioner had not given the income tax form and further state that his salary would have been fixed as Rs.15600 + 5400 = 21000/- as on 01.01.2006 instead of Rs.16560 + 5400, hence excess amount of Rs.2,70,746/- has to be refunded to the Government Account after the payment of such due the pension will be released. Challenging the said proceedings the Writ Petition has been filed.

3. The learned counsel for the petitioner would submit that this Court may issue direction to the Chief Educational Officer, Ariyalur to withhold the amount of Rs.2,70,746/- as claimed by him and to settle the balance amount in favour of the petitioner within a stipulated time. He would further submit that this Court may permit the petitioner to recover the withhold amount i.e., Rs.2,70,746/- in the manner known to law.

4. The learned counsel for the respondents would submit that after deducting the sum of Rs.2,70,746/-, the balance amount will be settled in favour of the petitioner.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel, I am inclined to issue direction to the 4th respondent, the Chief Educational Officer, Ariyalur to deduct Rs.2,70,746/- from the petitioner's

retirement benefits and pay the balance amount to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to produce the IT form to the 4th respondent to enable them to settle the retirement benefits. The petitioner is also granted liberty to workout his remedy to recover the withhold amount Rs.2,70,746/- in the manner known to law.

6. The Writ Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

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Government Higher Secondary School
T.Palur, Ariyalur District

+1cc to M/s.A.Amala , Advocate SR.No. 99185
+1 cc to Government Pleader Sr.No. 98930

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A.SK(31/01/2020)