



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **24.04.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

WP (MD) No.4400 of 2017

in

WMP (MD) No.3532 of 2017

G.Charles Rajakumar

... Petitioner

Vs.

1.The Director of School Education,
Chennai -600 006.

2.The District Elementary Educational Officer,
Tuticorin.

3.The Assistant Elementary Educational Officer,
Ottapidaram, Tuticorin District.

4.The Correspondent,
R.C.Middle School,
Puliamputhur (PO),
Pincode - 628 402.
Tuticorin District.

5.The Accounts Officer (Audit),
School Education Department, Madurai.

6.The Joint Director of Elementary Education,
Tuticorin.

(R6 Suo Motu Impleaded vide order dated 25.03.2019)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 5th respondent to cancel the Audit Objection passed in Proceedings No. 23/2007 as per the direction of the 3rd respondent in Na.Ka.No. 1315/A2/2016 dated 23.09.2016 and further direct the 4th respondent to forward the petitioner's pension proposal to the respondents 1 to 3 and allow the petitioner to retire from service on his superannuation on 30.04.2017.

For Petitioner

: Mr.A.Thirumurthy,
for M/s.Victory Associates

For Respondent

: Mrs.S.Srimathy,
Special Government Pleader

Nos.1 to 3, 5 & 6

For Respondent

: No appearance

No. 4

**ORDER**

This writ petition has been filed seeking to direct the 5th respondent to cancel the Audit Objection in Proceedings No. 23/2007 as per the direction of the 3rd respondent in Na.Ka.No. 1315/A2/2016 dated 23.09.2016 and to direct the 4th respondent to forward the petitioner's pension proposal to the respondents 1 to 3 and allow the petitioner to retire from service on his superannuation on 30.04.2017.

2. According to the petitioner, despite the recommendation of the 3rd respondent to cancel the Audit Objection in proceedings No. 23 of 2007, the 5th respondent has not cancelled the said audit objection. Hence, the petitioner sent several representations to the respondents. However, no action has been taken by the respondents to cancel the said audit objection till date. Therefore, the petitioner is before this Court.

3. The learned Counsel for the petitioner relied on the decision of this Court in WP(MD)Nos. 1613 to 1617 of 2008 dated 19.03.2010 to support the petitioner's claim, wherein this Court held that the incentive increment granted to the petitioners therein was not erroneous.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the grievances of the petitioner would be addressed and appropriate orders would be passed by the first respondent.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, the first respondent is directed to consider the claim of the petitioner, in the light of the decision cited supra and pass appropriate orders, if the petitioner is otherwise found eligible, after affording opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Director of School Education,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai - 600 006.



2.The District Elementary Educational Officer,
Tuticorin.

3.The Assistant Elementary Educational Officer,
Ottapidaram, Tuticorin District.

4.The Accounts Officer (Audit),
School Education Department, Madurai.

5.The Joint Director of Elementary Education,
Tuticorin.

+1cc to Mr.A.THIRUMURTHY, Advocate, SR.No. 62219

+1cc to M/s.Special Government Pleader,SR.No. 62985

WP (MD) No. 4400 of 2017
24.04.2019

DSK/RK

KK/SAR/26.06.2019/3P-8C