



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) No.23400 of 2019

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A.Selvam

... Petitioner

-Vs-

1.The Accountant General,
O/o. The Accountant General (A & E) Tamil Nadu,
No.361, Anna Salai, Chennai-600 018.

2.The Director of Elementary School Education,
DPI Compound, College Road,
Chennai-600 006.

3.The District Educational Officer,
Uthamapalayam, Theni District.

4.The Block Development Officer,
Cumbum, Theni District.

5.Sri Muthiah Pillai Memorial Primary School,
Represented by the Block Educational Officer,
Cumbum, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 3 to 5 to disburse the petitioner's all terminal benefits and pensionary benefits within a time frame fixed by this Court.

For Petitioner : Mr.M.Siddharthan

For R1 : Mr.P.Gunasekaran

For R2 to R4 : Mr.M.Karuppasamy,
Government Advocate.

ORDER

This Writ Petition is filed to direct the respondents 3 to 5 to disburse the petitioner's all terminal benefits and pensionary benefits, within a time frame to be fixed by this Court.

2.Mr.P.Gunasekaran, learned counsel takes notice for the first respondent and Mr.M.Karuppasamy, learned Government Advocate takes notice on behalf of the respondents 2 to 4. Notice to the 5th respondent is dispensed with, since no adverse order is going to be passed against the 5th respondent. By consent of both parties, this



Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, she worked as Teacher in the 5th respondent School and retired from service on 31.08.2019, on attaining the age of superannuation. One Viknesh Kanthan, who is the erstwhile Secretary of the 5th respondent School, colluding with the staff and office bearers of MP.103 Cumbum Panchayat Union Primary and Middle School Teacher's Co-operative Thrift and Credit Society, had obtained loan from them in the name of 13 teachers of the 5th respondent School, including the petitioner. The said Viknesh Kanthan has paid installments till December, 2013 from his personal accounts and thereafter, committed default. Therefore, the petitioner and other teachers lodged a police complaint against the said Viknesh Kanthan. At the request of the MP.103 Cumbum Panchayat Union Primary and Middle School Teacher's Co-operative Thrift and Credit Society, the fourth respondent has passed an order dated 20.06.2016, attaching the loan amount from the petitioner's salary. Against which, the petitioner and 12 other teachers have filed W.P. (MD)No.12206 of 2016, wherein this Court, by its order dated 13.07.2016, has granted an order of interim stay. The petitioner and 12 other teachers have also filed W.P.(MD)No.2907 of 2017 to direct the officials to recover the due amount from the erstwhile Secretary of the School. Regarding the same issue, one of the aggrieved teachers in W.P.(MD)No.12206 of 2016, namely, Nagalakshmi, has filed W.P.(MD)No.821 of 2019. All the three Writ Petitions are pending. In view of the stay granted by this Court in W.P.(MD) No.12206 of 2016, the respondents have retained the entire terminal benefits of the petitioner. Hence, the petitioner has come out with the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that this Court, by an order dated 29.01.2019, has passed an interim order in W.P.(MD)No.821 of 2019, directing the fourth respondent to pay the retirement benefits due to the petitioner, after withholding the loan amount, that is due by her.

5. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 1 to 4 and perused the materials available on record carefully.

6. Considering the aforesaid submission made by the learned counsel appearing for the petitioner, this Court directs the Block Educational Officer, Cumbum, Theni District, who is now in-charge of the affairs of the 5th respondent School, to pay the retirement benefits due to the petitioner, after withholding the loan amount that is due by her, subject to the result of the Writ Petition in W.P. (MD)No.821 of 2019.



7. With the above direction, this Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (AD-I)

Sub Assistant Registrar (CS)

Myr

To

1. The Director of Elementary School Education,
DPI Compound, College Road,
Chennai-600 006.

2. The District Educational Officer,
Uthamapalayam, Theni District.

3. The Block Development Officer,
Cumbum, Theni District.

+1 CC to Mr. M. SIDDHARTHAN, Advocate (SR-96302[F] dated 06/11/2019)
+1 CC to M/s. SPL GP (SR-96687[F] dated 07/11/2019)

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06.11.2019

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