



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.10229 of 2020

and

W.M.P.(MD) No.9115 of 2020

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P.Jayakumari

... Petitioner

Vs.

1. The State of Tamil Nadu
rep. by its The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Principal Accountant General (A&E),
O/o.The Principal Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai, Chennai - 18.
3. The Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
O/o.Chief Educational Officer,
Dindigul, Dindigul District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the entire DCRG (death cum retirement gratuity) amount of the petitioner's husband namely Late Mr.T.Prabakaran along with an accrued interest at the rate of 18% thereon in pursuant to the order passed by the 2nd respondent vide his proceedings in P09/4/FP/10923721/DGP dated 28.08.2019 sanctioning the DCRG amount within the period that may be stipulated by this Court.

For Petitioner	: Mr.M.Mohammed Imran, for M/s.Ajmal Associates
For Respondents	: Mrs.Srimathy, Spl.G.P. For R1, 3 & 4 Mr.R.Saravanakumar for R2

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to disburse the entire DCRG (death cum retirement gratuity) amount of the petitioner's husband



namely Late Mr.T.Prabakaran along with an accrued interest at the rate of 18% thereon in pursuant to the order passed by the 2nd respondent vide his proceedings in P09/4/FP/10923721/DGP dated 28.08.2019 sanctioning the DCRG amount within the period that may be stipulated by this Court.

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2.The case of the petitioner is that, the petitioner's husband was working as Block Educational Officer at Vedachandur Union at Dindigul District and while he was in service, died on 22.11.2018 in unfortunate circumstances. Thereafter, in order to get the death cum retirement benefits i.e. D.C.R.G., the petitioner had made request several times and last such representations were made on 20.03.2020 and 24.03.2020 to the second and third respondents respectively. In this regard, it is the further case of the petitioner that, DCRG of Rs.20,00,000/- has already been sanctioned by the 1st respondent and the same is kept pending with the third respondent office without disbursing the same to the petitioner and therefore, without getting the DCRG, the family of the petitioner is struggling a lot. Therefore, the said request of the petitioner may be directed to be considered and accordingly, the DCRG can be disbursed immediately to the petitioner. To seek such indulgence from this Court, the present writ petition has been filed, contended by the learned counsel appearing for the petitioner.

3.Heard the learned Special Government Pleader appearing for the respondents, who would submit that, during the service time, the petitioner's husband obtained two loans from two co-operative societies/bank and as on date, the due is almost six lakhs i.e., Rs.5,98,950/-, which have to be paid by the petitioner's husband. Therefore, the said amount have to be deducted and only for that purpose, the DCRG payable to the petitioner, i.e., the wife of the deceased employee, could not be paid. But, anyhow, now, the request since has been made by the petitioner, the same would be considered by the third respondent. Accordingly, whatever the eligible amount payable to the petitioner, that would be immediately disbursed.

4.I have considered the said submissions made by the learned counsel for both sides and having regard to the said facts as well as the submissions made by the learned counsel for both sides, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents, especially, the 3rd respondent is hereby directed to consider the representations of the petitioner dated 20.03.2020 addressed to the 2nd respondent and 24.03.2020 addressed to the third respondent and accordingly, decide the due payable by the petitioner's husband towards the loan, which according to the respondents, as on date is less than Six lakhs i.e., Rs.5,98,950/- and after deducting the same, remaining amount of Rs.20 lakhs, which is claimed to have



already been sanctioned in favour of the petitioner shall be disbursed to the petitioner. The aforesaid exercise shall be undertaken by the respondents, especially, the 3rd respondent, within a period of four weeks from the date of receipt of a copy of this order."

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5. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Principal Secretary to Government,
State of Tamil Nadu
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Principal Accountant General (A&E),
O/o. The Principal Accountant General (A&E),
Tamil Nadu, No.361, Anna Salai, Chennai - 18.
3. The Director of School Education,
DPI Complex, College Road,
Chennai - 600 006.
4. The Chief Educational Officer,
O/o. Chief Educational Officer,
Dindigul, Dindigul District.

+1 CC to the SPL GP (SR-15385[F] dated 31/08/2020)

W.P. (MD) No. 10229 of 2020

27.08.2020

SS (CO)

CS (20.10.2020) 3P 6C

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