



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.15365 of 2020

and

W.M.P.(MD).No.12907 of 2020

WEB COPY

E.Mary Amala Bai

... Petitioner

Vs.

1.The Divisional Accounts Officer (Audit),
School Education Department,
Madurai 625 002.

2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The Headmaster,
Kamaraj Municipal Higher Seconary School,
Pettai 627 010,
Tirunelveli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to disburse the remaining retirement benefits to the petitioner around of Rs.14,00,000/- (Fourteen lakhs only) viz., surrender of earned and unearned leave, 10% provident fund, special provident fund 2000 (SPF 2000).

For Petitioner	:	Mr.A.Ajith Geethan
For R1 to R3	:	Mr.A.Thiagarajan
		Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. This writ petition has been filed for a direction to the respondents to disburse the remaining retirement benefits of Rs.14,00,000/- which are due from surrender of earned and unearned leave, 10 % provident fund and special provident fund 2000 (SPF 2000), to the petitioner.

3. The grievance of the petitioner is that she was retired from service on 31.05.2019 and even though she received gratuity



and commutation, a sum of Rs.14,00,000/- relating to surrender of earned leave and unearned leave, 10% provident fund and special provident fund 2000 (SPF2000), has been retained by the respondents due to the first respondent's audit objection.

4. The first respondent made an audit objection in connection with the incentive increment given to the petitioner for M.Ed., degree. As per the audit objection, the petitioner has received a sum of Rs.4,11,532/- and other benefits, as the petitioner is entitled for the same, no steps have been taken by the respondents to rectify the audit objection. Therefore, the petitioner has given two representations dated 07.05.2020 and 08.05.2020, to the first respondent as well as the second respondent and both the respondents directed the fourth respondent Headmaster to take necessary steps to rectify the audit objection. However, the fourth respondent has not taken any steps to rectify the audit objection and produce the original M.Ed., degree qualification of the petitioner.

5. Mr.A.Thiyagarajan, learned Government Advocate takes notice for the official respondents and he fairly submitted that excluding the audit objection amount, the respondents may be directed to pay the balance amount retained by the respondents 1 and 2 as contended by the petitioner. However, he further submitted that appropriate direction may be issued to the petitioner to clear the audit objection at the earliest point of time.

6. In view of the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the official respondents, this Court is of the view that there is no impediment for the respondents to retain the audit objection amount and to pay the balance amount to the petitioner. In the present case, the audit objection was made only to the extent of Rs.4,11,532/-. Therefore, the respondents can deduct a sum of Rs.5,00,000/- towards the audit objection amount and to pay the balance amount Rs.9,00,000/- (Rs.14,00,000/- - Rs.5,00,000/- audit objection amount) to the petitioner at the earliest point of time.

7. Accordingly, this Court directs the respondents to disburse the balance amount of Rs.9,00,000/- (Rs.14,00,000/- - Rs.5,00,000/-) after deducting the amount as indicated in the audit objection by the first respondent, within a period of four weeks from the date of receipt of this order copy. The fourth respondent shall take necessary steps to produce the original document of the M.Ed., degree as ordered by the first and second respondents, within a period of four weeks from the date of receipt of a copy of this order, so as to enable the petitioner to



clear the audit objection and to get the balance amount which he is legally entitled to.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

akv

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 Divisional Accounts Officer (Audit),
School Education Department,
Madurai 625 002.

2.The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

+1 CC to SGP (SR-21337[F] dated 05/11/2020)

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KG (CO)

KM (26.11.2020) 3P 5C