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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2021

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.26684 OF 2008

M.Pitchaipillai

... Petitioner

..Vs..

1. Joint Director of School Education
(Personnel) Chennai-6
2. Chief Educational Officer
Perambalur, Perambalur District
3. Headmaster
Government High School
Ladapuram-621 121
Perambalur District

... Respondents

Prayer:

The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus calling for the records pertaining to the order passed by the 2nd respondent in his proceedings Na.Ka.No.8153/Aa2/2008 dated 29.07.2008 and quash the same and direct the respondents to confer all the consequential benefits to the petitioner.

For Petitioner : Mr.P.Ganesan,

For Respondents : Mr.C.Selvaraj
Government Advocate (Civil Side)

O R D E R

The writ petition is directed against the order passed by the 2nd respondent ordering recovery of interest payable towards house building advance and relieving the petitioner on attaining the age of superannuation with effect from 31.07.2008.

2. The petitioner was working as an B.T. Assistant in Government High School, Ladapuram. He was due to retire on 31.07.2008. As per G.O.Ms.No.1643 dated 27.10.1988, the teachers



who are retiring on the middle of the academic year are permitted to continue till the end of the academic year. In the case of the petitioner, he should have been permitted to continue in service till 31.05.2009. However, the reappointment was not granted in favour of the petitioner on account of the dues payable towards interest on house building advance. The 2nd respondent directed the headmaster of the school to relieve him from duty on the date of his superannuation which is 31.07.2008 and to recover the entire interest amount in one instalment and settle the balance.

3. It is seen from the records that the petitioner has paid a sum of Rs.17,848/- as interest towards house building advance on 07.08.2008 and approached this Court for settlement of benefits. It is contended that the interest should have been deducted from the salary and remitted to the Government account. For the fault of pay drawing officer, he was unnecessarily penalized. However, he continued till 31.05.2009 on the strength of interim order granted by this Court and retired with effect from 01.06.2009. It was also submitted that the petitioner died on 20.01.2018. Now that it only remains whether the petitioner family is entitled to family pension or not? As such the present prayer sought for in the writ petition has become futile.

4. Considering the facts and circumstances of the case, the writ petition is disposed of with the following observations:

(1) The respondents are directed to settle all terminal benefits due to the petitioner if not already settled in favour of the legal heirs of the petitioner.

(2) The family pension shall be paid in accordance with law.

(3) The respondents shall complete the said process within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kpr

To

1. Joint Director of School Education
(Personnel), Chennai-6



2. Chief Educational Officer
Perambalur, Perambalur District

3. Headmaster
Government High School
Ladapuram-621 121
Perambalur District.

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+1cc to the Government Pleader, S.R.No.31162

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VSNI (CO)
CS/09/08/2021