



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2021

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD)No.8860 of 2016

and

W.M.P. (MD)No.7061 of 2016

WEB COPY

A.R.Ganapathi Sundaram

... Petitioner

vs.

1.The Secretary to the Government,
School Education Department,
Secretariat,
Fort St.George, Chennai-600 009.

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

3.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

4.Regional Accounts Officer (Audit),
School Education Department,
Madurai-625 002.

5.The Head Master,
Government Boys Higher Secondary
School,
Sailagudi-623 120,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in Letter No.129, School Education (Pa Ka 5(2) 2013-1 dated 17.07.2013 and the consequential order passed by fifth respondent in his proceedings in Na Ka No.86/2015, dated 16.07.2015, enclosing the copy of audit report of the fourth respondent in so far as the petitioner is concerned and to quash the same and consequently to direct the respondents to settle the Gratuity, Contributory Pension (CPS), Unearned leave on private affairs, Special Provident Fund and



other retirement benefits with interest to the petitioner within the time stipulated by this Court.

WEB COPY

For Petitioner : M/s.L.Juliet Caroline
For Respondents : Mr.R.Ragavendran
Government Advocate (Civil Side)

O R D E R

This Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the Letter No.129, School Education (Pa Ka 5(2) 2013-1 dated 17.07.2013 and the consequential order passed by fifth respondent in his proceedings in Na Ka No.86/2015, dated 16.07.2015, enclosing the copy of audit report of the fourth respondent in so far as the petitioner is concerned and consequently to direct the respondents to settle the Gratuity, Contributory Pension (CPS), Unearned leave on private affairs, Special Provident Fund and other retirement benefits with interest to the petitioner within the time stipulated by this Court.

2.The petitioner has completed M.A.(Tamil), M.Phil and T.P.T. She was working as a Noon Meal Organizer from 01.04.1983 to 08.07.2004. Thereafter, she participated in the selection process of Teachers Recruitment Board and she was selected as B.T. Assistant and joined the service on 24.06.2004. She has attained superannuation on 30.04.2014. Since the respondents did not settle her terminal benefits, she submitted representations, dated 04.07.2014, 01.12.2014 and 18.06.2015. Thereafter the petitioner received a communication, dated 16.07.2015, stating that the recovery order was passed, since he is not entitled to special incentive payment from 16.03.2009 to 31.03.2013, for acquisition of additional qualification of M.Phil. The petitioner has challenged the recovery order, dated 16.07.2015 in this Writ Petition and prayed to direct the respondents to settle the gratuity, contributory pension (CPS), unearned leave, Special Provident Fund and other retirement benefits with interest.

3.Heard M/s.L.Juliet Caroline, learned Counsel appearing for the petitioner and Mr.R.Ragavendran, learned Government Advocate appearing for the respondents.

4.When the Writ Petition was taken up for hearing, the learned Counsel appearing for the petitioner submitted that the entire amount was paid to the petitioner and the petitioner in turn has also paid the recovery amount for the over payment given



for as "special incentive increment for M.Phil.". The petitioner has repaid Rs.79,000/- (Rupees Seventy Nine Thousand only) on 05.08.2021, which he is not entitled to. The petitioner claims that the respondents have paid the unearned leave (Rs.65,000/-) and contributory pension (Rs.6,59,000/-) belatedly, that too after a period of seven years, the petitioner is entitled to interest. The claim of the respondents is that the petitioner has not paid the recovery amount of Rs.79,000/- (Rupees Seventy Nine Thousand only) and hence there was a delay of paying the terminal benefits.

5. On perusing the entire records it is seen that the petitioner has not paid the recovery amount, therefore the respondents did not disburse the terminal benefits. However, the respondents ought to have withheld only the recovery amount i.e. Rs.79,000/- alone and not the entire amount. Therefore, to meet the ends of justice, this Court is of the considered view that the petitioner is entitled to interest only to the amount of Rs.6,00,000/- (Rupees Six Lakh only) and not for the entire amount of Rs.7,24,000/-. Therefore, the respondents are directed to pay 6% interest to the petitioner for the amount of Rs.6,00,000/- (Rupees Six Lakh only) alone.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Tmg

To

1.The Secretary to the Government,
School Education Department,
Secretariat,
Fort St.George, Chennai-600 009.

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



3.The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

4.Regional Accounts Officer (Audit),
School Education Department,
Madurai-625 002.

5.The Head Master,
Government Boys Higher Secondary
School,
Sailagudi-623 120,
Ramanathapuram District.

+1 CC to M/s.L.JULIET CAROLINE, Advocate (SR-39901[F] dated
22/12/2021)

+1 CC to M/s.SPL GP (SR-40244[F] dated 23/12/2021)

W.P. (MD) No. 8860 of 2016
22.12.2021

SJ(CO)

SB(12.01.2022) 4P 8C