



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.21379 of 2017

M.Mariya Arputham

... Petitioner

Vs.

1.The District Educational Officer,
O/o.The District Educational Officer,
Thoothukudi.

2.The Additional Assistant Elementary Educational Officer,
Sathankulam, Thoothukudi District.

3.The Superintendents of R.C.Schools,
Catholic Bishop's House,
Thoothukudi-628 001.

4.The Accountant General,
Anna Salai, Chennai.

5.T.Sobitharaj

... Respondents

(R5 impleaded vide order
dated 10.12.2019 in
M.P(MD)No.14413/19)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to release the Death cum Retirement Gratuity amount due to the petitioner's deceased husband with 18% interest from the date of age of superannuation of the petitioner's deceased husband to the actual date of payment.

For Petitioner : M/s.M.Padmavathy

For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R4 : Mr.P.Gunasekaran

For R5 : Mr.K.R.Laxman



O R D E R

This writ petition is filed by the petitioner for a direction to the respondents to release the Death cum Retirement Gratuity amount due to the petitioner's deceased husband with 18% interest from the date of age of superannuation of the petitioner's deceased husband to the actual date of payment.

2.The case of the petitioner is that her husband was appointed as a Secondary Grade Teacher on temporary basis, in the year 1970 in the fourth respondent school and subsequently, on 18.10.1973, his service was regularized. While the petitioner's husband was in service, he obtained a salary attachment loan for a sum of Rs.30,000/- from Sathankulam Taluk Teachers Co-operative Thrift & Credit Society in the year 1997. In the meantime, the petitioner's husband was dismissed from service, on 29.05.1998. Challenging the said order, the petitioner's husband filed a writ petition in W.P (MD)No.9899 of 1998. During the pendency of the said writ petition, the petitioner's husband attained the age of superannuation on 31.05.2005. Thereafter, this Court allowed the said writ petition and set aside the impugned order, dated 29.05.1998. Pursuant to which, the third respondent paid a sum of Rs.5,00,000/- towards terminal benefits to the petitioner and further DCRG amount was not released in favour of the petitioner. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that already the fourth respondent retained a sum of Rs.1,27,615/- in lieu of loan amount, in the year 2008 and apart from this, DCRG amount was not disbursed. Hence, this Court may issue a direction to the respondents to release DCRG amount in favour of the petitioner and also release the balance amount, which was withheld by the respondent, after deducting the loan amount secured by the petitioner's husband, within the reasonable time as fixed by this Court.

4.The learned Additional Government Pleader appearing for the first and second respondents has no serious objection for considering the same.

5.Considering the limited request made by the learned counsel for the petitioner, this Court directs the concerned respondent to disburse the DCRG amount, which was withheld by the fourth respondent, to the tune of Rs.1,27,615/-, after deducting the loan amount if any, in favour of the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

NS

To

1.The District Educational Officer,
O/o.The District Educational Officer,
Thoothukudi.

2.The Additional Assistant Elementary Educational Officer,
Sathankulam, Thoothukudi District.

+1 CC to SPL GP (SR-12113[F] dated 18/03/2021)

+1 CC to MR.K.R.LAXMAN, Advocate (SR-12198[F] dated 18/03/2021)

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