



W.P.(MD) No.13362 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13362 of 2021

and

W.M.P. (MD) Nos.10329 & 10331 of 2021

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T.Palmaran

... Petitioner

vs.

1.The Chief Educational Officer
O/o.the Chief Educational Officer
Ramanathapuram District
Ramanathapuram

2.The District Educational Officer
O/o.the District Educational Office
Ramanathapuram District
Ramanathapuram

3.The Correspondent
Schwartz Higher Secondary School
Ramanathapuram

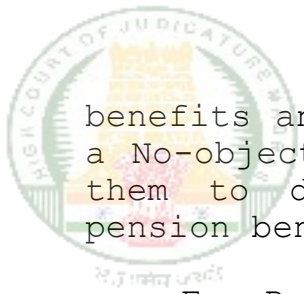
4.The Deputy Register of Co-operative Societies
O/o.the Deputy Register of Co-operative Societies
K.T.M.Kasim Centre
2nd Floor, Salai Street
Ramanathapuram

5.The Secretary
R.R.1397, Ramanathapuram
Schwartz Higher Secondary Employees
Co-operative Thrift and Credit Society
Ramanathapuram

6.The Accountant General
Accounts and Entitlement
Nanthanam, Chennai-18

... 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 impugned order in Na.Ka.No.6486/A5/2020, dated 09.12.2020, on the file of the respondent No.1 and quash the same as illegal and to extent of non disburse the retirement and pension



benefits and consequently direct the respondent No.4 and 5 to issue a No-objection Certificate to the respondent Nos.1 and 6 to enable them to disburse the petitioner's all retirement benefits and pension benefits within the time stipulated by this Court.

For Petitioner : Mr.Thirumurugan.T.

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R1, R2 & R6

No appearance for R3

Mr.M.Ramesh

Government Advocate for R4

Tapal Due for R5

ORDER

The petitioner was working as Headmaster in the third respondent - Government Aided School. He was holding the post of President in the fifth respondent - Cooperative Thrift and Credit Society. The funds of the fifth respondent - Society to the tune of Rs.88 Lakhs were misappropriated and a criminal case was registered to that effect. Simultaneously, departmental disciplinary proceedings were also initiated against the petitioner.

2. The learned counsel for the petitioner made a submission that the Secretary of the fifth respondent - Society confessed that he is responsible for such misappropriation and he has deposited a part of the amount also and therefore, the petitioner is to be exonerated from the liability.

3. The petitioner was working as Headmaster in the third respondent - Government Aided School. Admittedly, he was holding the post of President in the fifth respondent - Society. The President, who is the Head of the Board administering the Co-operative Society is responsible for the affairs in the Society. There is a huge misappropriation of the Society funds to the tune of Rs.88 Lakhs. Since the petitioner was the Headmaster of the Government Aided School, the Government invoked the provisions of Tamil Nadu Pension Rules and allowed to retire from service by withholding the terminal and pensionary benefits.

4. This Court is of the considered opinion that the criminal case against the petitioner is pending. Departmental disciplinary proceedings are also pending against the petitioner. This being the factum, the respondents have rightly invoked the provisions of Tamil Nadu Pension Rules and withheld the pensionary and terminal benefits. The petitioner can claim benefits only after disposal of the criminal case and departmental disciplinary proceedings pending against him. In the meanwhile, the eligible amounts, if any pending, shall be granted to the petitioner, if any application is submitted by him to that effect.



5. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.

2.The District Educational Officer,
O/o.the District Educational Office,
Ramanathapuram District,
Ramanathapuram.

3.The Deputy Register of Co-operative Societies,
O/o.the Deputy Register of Co-operative Societies,
K.T.M.Kasim Centre,
2nd Floor, Salai Street,
Ramanathapuram.

4.The Accountant General,
Accounts and Entitlement,
Nanthanam, Chennai-18.

5.The Correspondent
Schwartz Higher Secondary School
Ramanathapuram

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-12075[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12470[F] dated 16/03/2022)

W.P. (MD) No.13362 of 2021

and

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SS/25.03.2022 : 3P/8C