



WP(MD)No.15218 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE G. CHANDRASEKHARAN**

W.P.(MD)No.15218 of 2022

P.Mohan

... Petitioner

/vs./

The Director of Medical Education,
Kilpauk,
Chennai-10.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to disburse the Death Cum Retirement Gratuity(DCRG) amount of Rs.4,09,567/- and Recovered amount Rs.23,248/- a total sum of Rs.4,33,015/- together with interest of 12% per annum by dispose the petitioner's representation dated 23.01.2022, 15.04.2022, 04.07.2022.

For Petitioner : Mr.D.Selvanyagam

For Respondent : Mr. A.Kannan,
Additional Government Pleader,



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ORDER

This Writ Petition has been filed to direct the respondent to disburse the Death Cum Retirement Gratuity(DCRG) amount of Rs.4,09,567/- and Recovered amount Rs.23,248/- a total sum of Rs.4,33,015/- together with interest of 12% per annum by disposing the petitioner's representations dated 23.01.2022, 15.04.2022, 04.07.2022.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner has received his retirement benefits and monthly pension except the Death Cum Retirement Gratuity (DCRG) amount of Rs.4,09,567/-. He further submitted that there are four charges pending against him. Due to which, the respondent has passed punishment order and recovered a sum of Rs.2,32,890/- from his DCRG amount. As against the punishment order, he preferred an appeal



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to the Government on 23.02.2011. After taking view of the TNPSC opinion dated 29.11.2016, the Government passed order in G.O.Ms.No.666 dated 23.03.2017 cancelling the punishment order and remitted the matter to the respondent for re-assessment of loss and the internal auditor re-assessed the same and gave his report dated 27.01.2021 that there is no loss incurred to the department. Thereafter, the petitioner sent representations dated 23.01.2022, 15.04.2022, 04.07.2022 to the respondent seeking disbursement DCRG amount of Rs.4,09,567/- and recovery already made for a sum of Rs.23,248/-. Since the same has not been considered, the petitioner has approached this Court by way of filing this Writ Petition.

4.The learned Counsel appearing for the petitioner submitted that it would suffice, if the petitioner's representation is considered.

5.As detailed above, the punishment of recovery of DCRG amount of Rs.2,32,890/- was cancelled for the reason that there was no loss to the department. Therefore, as rightly pointed out by the learned counsel appearing for the petitioner, the petitioner is entitled for a sum of Rs.4,33,015/-. Therefore,



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the respondent is directed to consider the petitioner's representations dated 23.01.2022, 15.04.2022, 04.07.2022 and pass appropriate orders include the payment of interest as entitled to him, on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

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

14.07.2022

Index : Yes / No

Internet : Yes / No

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To:

The Director of Medical Education,
Kilpauk,
Chennai-10.



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G. CHANDRASEKHARAN, J.

vsg

Order made in
W.P.(MD)No.15218 of 2022

Dated:
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