



W.P(MD)No.21360 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21360 of 2022

and

W.M.P.(MD)No.15528 of 2022

P.Vasanthi Stella Bai

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Special Programme Implementation Department,
St.George Fort,
Chennai-9.

2.The Director of School Education,
O/o. the School Education Department,
College Road,
Chennai-6.

3.The Chief Educational Officer,
O/o the Chief Educational Office,
Palani Road,
Dindigul.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to disburse the retirement benefits viz., the Earned Leave, Unearned Leave (PA) and Special Provident Fund to the petitioner with an accrued interest within the period that may be stipulated by this Court.



W.P(MD)No.21360 of 2022

For Petitioner : Mr.J.Irfana Fathima
For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

2. The writ petitioner was appointed as P.G. Assistant (Chemistry) in a Government Higher Secondary School. She became Headmistress and she retired on 31.04.2017. The petitioner had rendered 31 years of service. Though the petitioner is getting pension, the petition mentioned retirement benefits have not been disbursed. It appears that some 26 laptops given to the school in which the petitioner was the Headmistress went stolen. In that regard, the proceedings were initiated and recovery order was also passed against the petitioner. Challenging the recovery order, the petitioner filed W.P.(MD)No. 4127 of 2014. The said Writ Petition was allowed and the recovery order was set aside by this Court on 09.11.2020. We are now in 2021. These two facts are beyond dispute. The petitioner reached the age of superannuation as early as on 31.04.2017 and she was also allowed to retire.



W.P(MD)No.21360 of 2022

3. The petitioner's counsel categorically states that no charge memo was issued against the petitioner. Now, more than five years have gone by. We are now in November 2022.

4. In these circumstances, the question of initiating any departmental action will not arise at all. When the petitioner was allowed to retire and the recovery order has also been set aside, the question of withholding the petition mentioned retirement benefits will not arise at all. The respondents are directed to quantify the same and disburse it within a period of 12 weeks from the date of receipt of a copy of this order. It will carry interest at 4% per annum.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2022

Index : Yes / No

Internet : Yes/ No

rmi

To

1.The Principal Secretary to Government,
Special Programme Implementation Department,
St.George Fort,
Chennai-9.



W.P(MD)No.21360 of 2022

G.R.SWAMINATHAN, J.

rmi

2.The Director of School Education,
O/o. the School Education Department,
College Road,
Chennai-6.

3.The Chief Educational Officer,
O/o the Chief Educational Office,
Palani Road,
Dindigul.

W.P(MD)No.21360 of 2022

04.11.2022