



W.P(MD)No.5440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5440 of 2023

S.Sadhiq

... Petitioner

Vs.

1.The Principal Accountant General (A&E) GAD-II
DMS Complex,
Teynampet, Chennai-600 018.

2.The Director,
Medical & Rural Health Service,
Chennai-600 006.

3.The Joint Director of Health Services,
Ramanathapuram District.

... 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 Death-cum-Retirement Gratuity Benefits with interest by considering the representation of the petitioner dated 03.10.2019.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.R.Saravanakumar
Standing Counsel for R1
: Mr.K.Balasubramani
Special Government Pleader for R2 & R3



ORDER

Heard the learned counsel on either side.

2. The writ petitioner served the department of medical and rural health service for almost 30 years. He reached the age of superannuation on 30.06.2019. He was permitted to retire. He is receiving pension. All other benefits except DCRG have been settled. He submitted petition dated 03.10.2019 for release of DCRG benefits. Since it was not considered, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to allow the writ petition as prayed for.

4. The third respondent has filed counter-affidavit and it is claimed that the petitioner is responsible for having cause substantial loss to the Government and that action is proposed to be initiated against the petitioner. That was the reason for withholding the petitioner's DCRG. He pressed for dismissal of the writ petition.



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5. I carefully considered the rival contentions and went through the materials on record. Rule 69 of Tamil Nadu Pension Rules states that no gratuity shall be paid to the government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon. But in this case, no charge memo was issued against the petitioner. He was allowed to retire. No action has been taken till date under the Pension Rules. As on date, no proceedings have been initiated against the petitioner. It is illegal to withhold the petitioner's DCRG.

6. I have taken the very same view vide order dated 27.04.2023 in W.P.(MD)No.6746 of 2023. The respondents 2 & 3 are directed to disburse DCRG benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. DCRG shall be paid to the petitioner with 6% interest per annum.

7. The Writ Petition is allowed accordingly. No costs.

02.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

3/4



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G.R.SWAMINATHAN, J.

rmi

To

- 1.The Director,
Medical & Rural Health Service,
Chennai-600 006.
- 2.The Joint Director of Health Services,
Ramanathapuram District.

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