



W.P.(MD).No.17588 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.08.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.17588 of 2023

K.Andy

... Petitioner

Vs.

1.The Director,
Adi Dravidar and Tribal Welfare Office,
Cheppakam,
Ezilagam,
Chennai – 5.

2.The District Adi Dravidar and Tribal Welfare Officer,
Dindigul District.

3.The Headmaster,
Government Tribal Welfare Undi Boarding
Higher Secondary School,
Perumparai,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to disburse the petitioner's retirement benefits by order of the second respondent, dated 09.08.2021 in Na.Ka.No.3587/2015/H6, within a reasonable time.



W.P.(MD).No.17588 of 2023

For Petitioner : Mr.S.Ramasmy
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to disburse the petitioner's retirement benefits by order of the second respondent, dated 09.08.2021.

2.Heard Mr.S.Ramasamy, learned counsel appearing for the petitioner and Mr.P.Thambidurai, learned Government Advocate appearing for the respondents and perused the materials available on record.

3.The petitioner was appointed as an Assistant Teacher in Government Adi Dravidar Welfare Primary School, Koolampatty on 26.06.1982. On 10.09.2001, he was appointed as Headmaster-cum-Warden in Government Adi Dravidar Welfare Primary School, Kottakkombu, Dindigul District. While in service in the aforesaid designation, the Special Tahsildar of Adi Dravidar Welfare, Nilakottai has given a complaint to the Inspector of Police, Thandikudi Police



W.P.(MD).No.17588 of 2023

Station on 02.03.2005 as against the petitioner stating that the petitioner has forged the documents of 33 students and made a false entry and had expended a sum of Rs.96,989/- on the guise of purchasing food stuffs for the said students. On the basis of the said complaint, a case in Crime No.48 of 2005 has been registered as against the petitioner for the offence under Sections 468 and 420 of I.P.C. Based on the said crime, the petitioner was placed under suspension by the second respondent by order dated 31.03.2007. Thereafter, he was not permitted to retire from service on 31.03.2007 and his retirement was withheld. In the meanwhile, a final report was filed before the concerned Judicial Magistrate, Kodaikanal in C.C.No.16 of 2008 and after trial, the petitioner was acquitted vide order dated 03.10.2018. On being acquitted in the criminal case, the petitioner had sent a representation to the respondents on 30.10.2018 seeking his retirement benefits with interest and the same was not considered. Hence, the petitioner filed a Writ Petition in W.P(MD)No.14037 of 2020 and this Court, by order, dated 09.10.2020, directed the second respondent to dispose of the petitioner's representation within a period of four weeks. Pursuant to the same, the second respondent has passed an order directing the third respondent to disburse the retirement benefits to the petitioner, vide order dated 09.08.2021.



W.P.(MD).No.17588 of 2023

However, the third respondent has not acted on it so far. Hence, this Writ Petition came to be filed.

4.The learned Government Advocate appearing for the respondents submitted that only because the petitioner's service register was misplaced, the delay has occurred.

5.Taking note of the said observation, this Court hereby directs the third respondent to disburse the petitioner's retirement by complying with the order passed by the second respondent, dated 09.08.2021, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

04.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



WEB COPY



W.P.(MD).No.17588 of 2023

To

- 1.The Director,
Adi Dravidar and Tribal Welfare Office,
Cheppakam,
Ezilagam,
Chennai – 5.
- 2.The District Adi Dravidar and Tribal Welfare Officer,
Dindigul District.
- 3.The Headmaster,
Government Tribal Welfare Undi Boarding
Higher Secondary School,
Perumparai,
Dindigul District.



WEB COPY



W.P.(MD).No.17588 of 2023

L.VICTORIA GOWRI, J.

ps

W.P.(MD)No.17588 of 2023

04.08.2023