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W.P.(MD)No.21640 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.21640 of 2018
and
W.M.P.(MD)No.19545 of 2018

P.Kaliyappan

... Petitioner

vs.

- 1.Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 004.
- 2.Director of School Education,
College Road, DPI Compound,
Chennai-600 001.
- 3.Chief Educational Officer,
Seena.Vaana Government Higher Secondary
School Compound,
V.E.Road, Tuticorin-628 003.



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- 4.Chief Educational Officer,
Tirunelveli District
Tirunelveli Collectorate,
Tirunelveli - 627 009.
- 5.The Head Master,
S.M.S.S. Governement Boys Higher
Secondary School,
Shencottai, Thirunelveli District - 627 809.
- 6.The Regional Accounts Officer (Audit),
School Education Department,
Office of the CEO Compound,
Thallakulam, Madurai - 625 002.
- 7.The Treasury Officer,
District Treasury,
Thirunelveli-627 009.
- 8.The Assistant Treasury Officer,
Sub Treasury, Tenkasi-627 811,
Thirunelveli District.
- 9.The Accountant General,
Office of the Principal Accountant
General (A&E),
Chennai-600 018.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order, Na.Ka.No.4491/A4/2015, dated 14.05.2018, issued by the 3rd respondent herein and to quash the same as illegal, arbitrary, without authority, unreasonable and against the provisions of Tamilnadu Pension Rules 1978 and to consequently, to direct the respondents to pay pension and commuted value of pension to the petitioner in the light of the pension payment order, dated 07.07.2015, issued by the 9th respondent, the Accountant General, Chennai with bank interest for the belated payment from the date of retirement till the date payment of pension and commutation.

For Petitioner : M/s.Tamilselvi
for Mr.Y.Krishnan
For R1 to 8 : Mr.V.Omprakash
Government Advocate
For R9 : Mr.P.Gunasekaran

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned order, dated 14.05.2018, issued by the 3rd respondent herein as illegal, arbitrary, without authority, unreasonable and against



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the provisions of Tamilnadu Pension Rules, 1978 and to consequently, to direct the respondents to pay pension and commuted value of pension to the petitioner in the light of the pension payment order, dated 07.07.2015, issued by the 9th respondent, the Accountant General, Chennai with bank interest for the belated payment from the date of retirement till the date payment of pension and commutation.

2. The petitioner was serving as Post Graduate Teacher in Government Higher Secondary School. Subsequently, promoted to various Schools. The petitioner attained superannuation and retired on 30.04.2015. Based on the service records, pension proposals were submitted to the Accountant General who has issued pension payment order. However, subsequently, the respondents have not disbursed the terminal benefits and gratuity and hence, the petitioner is before this Court.



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3.The respondents submitted that while the petitioner was serving as a Headmaster, the petitioner has not submitted records of certain expenditure and he has not finalized the accounts and submitted the records to audit objection to the tune of Rs.21,40,123/-. On further verification the amount is reduced as Rs.18,37,809/- The petitioner has to verify, finalize the records, thereafter, only no objection certificate will be issued by the competent authority. Based on the no objection certificate, the Treasury Office would disburse the terminal benefits along with pension.

4. When the writ petition was listed on 20.04.2023, this Court directed the petitioner to approach the 8th respondent for getting details of the accounts. However, when the case was taken up for hearing today, i.e., 25.04.2023, the learned Standing Counsel appearing for the 9th respondent submitted that the said office is merged with 6th respondent

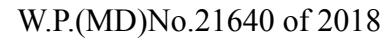


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office. Moreover, the 6th respondent also changed his office to Chennai and the address is Financial Advisor/ Chief Accounts Officer, Commissionerate of School Education, College Road, Chennai. If the petitioner approaches this office, the audit objection particulars would be served to the petitioner and accounts would be finalized and the issue could be resolved.

5. Further the learned Standing Counsel appearing for the 9th respondent circulated the entire particulars before this Court. Hence, he was directed to serve a copy of the particulars to the learned Counsel appearing for the petitioner. Therefore, the petitioner is directed to approach the concerned authority along with particulars and submit a representation and then finalize the accounts. If need be the respondents shall grant personal hearing to the petitioner.



<https://www.mhc.tn.gov.in/judis>
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To

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7.The Treasury Officer,
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Thirunelveli-627 009.

8.The Assistant Treasury Officer,
Sub Treasury, Tenkasi-627 811,
Thirunelveli District.

Copy to

Financial Advisor/ Chief Accounts Officer,
Commissionerate of School Education,
College Road,
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S.SRIMATHY, J

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