



W.P(MD)No.23035 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.10.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23035 of 2023

G.Rajendran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary
to Government,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Accountant General,
O/o. The Principal Accountant General
(Accounts & Entitlements),
361, Anna Salai,
Teynampet, Chennai-600 018.

3.The Director of School Education,
DIP Complex,
College Road, Chennai-600 006.

4.The Chief Educational Officer,
O/o. The Chief Education Officer,
Thanjavur,
Thanjavur District.

5.The District Education Officer,
O/o. The District Educational Officer,
Thanjavur,
Thanjavur District.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the Death cum Retirement gratuity benefits of the petitioner along with an accrued interest thereon in compliance of order passed by the 4th respondent vide his proceedings in Na.Ka.No. 4263/E1/2018, dated 23.12.2021 within a period stipulated time by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a retired Block Educational Officer seeking a Mandamus directing the official respondents to release his Death cum Retirement Gratuity benefits along with accrued interest.

2. According to the writ petitioner, while he was in service as a Block Educational Officer, he was issued with a charge memo for sanctioning excess payment to 7 teachers. A full-fledged enquiry was conducted and punishment of stoppage of increment was imposed upon the writ petitioner. The writ petitioner has accepted the said order and he



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has not chosen to challenge the same. The writ petitioner had attained superannuation on 31.05.2019. He has been permitted to retire from services subject to the proceedings to be initiated for recovery of the said amount.

3. It could be seen from the records that no proceedings for recovery have been initiated as against the writ petitioner. It is also brought to the notice of the Court that out of 7 teachers, except one Shenpagavalli, all other teachers have already redeposited the said amount to the authorities. As against the order of recovery, the said teacher Shenpagavalli has challenged the same before this Court and it is pending.

4. The 4th respondent herein by an order, dated 23.12.2021, has taken cognizance of the fact that the petitioner has already been imposed with a punishment of stoppage of increment for 6 months without cumulative effect, has directed the authorities to release the DCRG to a tune of Rs.15,57,864/- (Rupees Fifteen Lakhs Fifty Seven Thousand Eight Hundred and Sixty Four only). The said order has not been recalled or modified for the past 3 years. Therefore, the petitioner has come out



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with the present writ petition for a Mandamus to disburse the said amount.

5. Per contra, the learned Government Advocate appearing for the official respondents had filed a counter and contended that since audit objections are pending and the recovery order could not be enforced as against one of the teachers, namely Shenpagavalli, the DCRG benefits cannot be released.

6. Considering the above said facts, I am of the opinion that the 4th respondent by his order, dated 23.12.2021 has already taken into consideration the said issue and has directed the authorities to release the DCRG benefits. This order has so far not been recalled or modified. That apart, the petitioner had attained superannuation on 31.05.2019. A separate recovery order has been issued as against the teacher Shenpagavalli who has already challenged the same before this Court. In case, if she fails to secure any favourable orders from this Court, the authorities are at liberty to recover the said amount from the said teacher.



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7. In view of the fact that no independent proceedings for recovery have been initiated as against the writ petitioner, this Court directs the respondents to release the DCRG amount and other terminal benefits of the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands disposed of to the extent as stated above. No costs.

13.10.2023

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

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To

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Fort St.George, Chennai-600 009.

2.The Accountant General,
O/o. The Principal Accountant General
(Accounts & Entitlements),
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Teynampet, Chennai-600 018.



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3. The Director of School Education,
DIP Complex,
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4. The Chief Educational Officer,
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R.VIJAYAKUMAR,J.

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Order made in
W.P(MD)No.23035 of 2023

Dated:
13.10.2023