



W.P.No.20651 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.20651 of 2015

Kasthuri Bai

... Petitioner

-VS-

1.The Director,
Adi-Dravidar and Tribal Welfare Department,
Chepauk, Chennai – 600 005.

2.The District Adi-Dravidar and Tribal
Welfare Officer,
Cuddalore District.

3.The Headmaster,
Government Adi-Dravidar Welfare
Higher Secondary School,
Chepakkam, Cuddalore District.

... Respondents

(R2 and R3 are suo motu impleaded
as per order dated 10.07.2015
made in W.P.No.20651/2015)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records on the file of the respondent relating to Na.Ka.No.A1/11976/2013-3, dated 15.04.2014 and to quash the



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same and to direct the respondent to settle the petitioner retirement and pensionary benefits with interest right from the date of the petitioner's retirement to till the date of actual payment.

For petitioner : Mrs.Selvi George

For respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

Challenging the order dated 15.04.2014 passed by the first respondent, in and by which, the first respondent had informed the petitioner that since all the retirement benefits had been issued to one T.V.Balasubramaniyan without deducting a sum of Rs.3,70,820/- which he is liable to repay, the petitioner's pension and retirement benefits would be paid after the said amount is recovered from the said T.V.Balasubramaniyan.

2. The petitioner would submit that she had joined as a B.T.Assistant in the Government Adi Dravidar Residential School,



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Pechipparai in Kanyakumari District on 20.08.1976 and after three transfers, she had been elevated as P.G.Assistant in the same school where she served only upto 23.03.2000 and subsequently, she was promoted as Headmistress and posted at Dr.Ambedkar Government Adi Dravidar Welfare Higher Secondary School, Cheppakkam, Cuddalore District on 24.03.2000, where she functioned till the year 2001. Thereafter, she was transferred as Headmistress to the Government Nandanar Girls Higher Secondary School, Chidambaram, Cuddalore District, on 04.08.2001, from where, she was transferred to the Government Adi Dravidar Welfare Higher Secondary School, Semakottai, Cuddalore District as Headmistress on 22.07.2005, where she served till her retirement on 31.10.2008.

3. The petitioner would submit that she had rendered a commendable service of 32 years and was bestowed with many awards and accolades from the Government. She is also a recipient of the best teacher award in Zoology from Honourable Minister for



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Adi Dravidar and Tribal Welfare Department during the Independence Day Celebrations during the year 1995, 1996, 1999-2000, 2000-2001. The petitioner would submit that after she had retired, she did not receive her pension and to her surprise and shock, she was informed by a proceedings dated 17.12.2008 of the Commissioner for Adi Dravidar and Tribal Welfare Department, that there is an allegation against her that while the petitioner was functioning as Headmistress at the Semakottai School, she had failed to recover an excess amount of Rs.3,85,780/- from one T.V.Balasubramaniyan, B.T.Assistant who had retired from service on 31.10.2001, which was paid to him on the basis of the wrong calculation and that the amount was paid during her tenure. The petitioner would submit that no show cause notice or disciplinary proceedings had been initiated against her.

4. The petitioner had made a representation for disbursal of her retirement benefits. However, there was no response to the same.



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Ultimately, she had approached this Court by filing a writ petition in W.P.No.1421 of 2014 and this Court had issued direction to the first respondent to pass orders on her representation. Pursuant thereto, the first respondent had passed the impugned order, in which, to the petitioner's utter shock and surprise, it was stated that her retirement benefits shall be awarded after recovering the said money from T.V.Balasubramaniyan.

5. Heard the learned counsel on either side and perused the materials available on record.

6. It is informed that except for Death-Cum-Retirement Gratuity Fund, all other amounts had been disbursed to the petitioner. It is rather absurd that without issuing a show cause notice or a charge memo to the petitioner and without taking any steps whatsoever to recover the money from the said T.V.Balasubramaniyan, the respondents had decided to withhold the



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said amount due to the petitioner. The petitioner had stated that the order disbursing the amount to the said T.V.Balasubramaniyan had been passed by the earlier Headmistress and she had clearly stated that she had nothing to do with it.

7. Be that as it may, without initiating any steps to recover the said amount from T.V.Balasubramaniyan till date and without giving any opportunity to the petitioner to put forth her case, the impugned order passed by the first respondent is highly arbitrary and illegal.

8. Therefore, in these circumstances and taking note of the fact that all other terminal benefits except DCRG benefits, had been disbursed, the petitioner is entitled to be paid the DCRG benefits together with interest at the rate of 12 % per annum from the date of due till the date of payment. It is also stated by the learned counsel appearing for the petitioner that though the petitioner had retired



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from service in the year 2008, her retirement benefits had been paid with a great delay. Therefore, the petitioner is also entitled to interest on these amounts also at the rate of 12 % per annum from the date of due till the date of payment.

With the above directions, this writ petition is allowed. No costs.

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Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
ssa

To

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P.T.ASHA, J.,

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