



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3980 of 2024 & 34108 & 34110 of 2023

W.P.No.3980 of 2024

Mallika

...Petitioner

-Vs-

1.The Principal Secretary
Social Welfare & Women Empowerment Department
Government of Tamil Nadu
Chennai – 09.

2.The District Collector
District Collectorate
Jayankondam Road
Ariyalur District – 621 704.

3.The Administrative Officer
District Audit Party
Integrated Child Development Service
Ariyalur District – 621 704.

4.The District Project Officer
Integrated Child Development Service
Ariyalur District – 621 704.

5.The Project Officer

1/9



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

Child Development Service
Thirumanur Block
Ariyalur District.

...Respondents

Prayer in W.P.No.3980 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 4th respondent dated 13.12.2023 bearing Na.Ka.No.674/A2/2023 and to quash the same as illegal and consequently to direct the respondents herein to pay the entire retirement benefits of the petitioner along with an interest for the belated payment for the same, calculated at the rate of 24% from the date of her superannuation i.e., 30.06.2022 till the date of payment, within any reasonable time as may be fixed by this Court.

W.P.No.34108 of 2023

Manonmani

...Petitioner

-Vs-

1.The Principal Secretary
Social Welfare & Women Empowerment Department
Government of Tamil Nadu
Chennai – 09.

2.The District Collector
District Collectorate
Jayankondam Road
Ariyalur District – 621 704.

3.The Administrative Officer
District Audit Party

2/9



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

Integrated Child Development Service
Ariyalur District – 621 704.

WEB COPY

4.The District Project Officer
Integrated Child Development Service
Ariyalur District – 621 704.

5.The Project Officer
Child Development Service
Thirumanur Block
Ariyalur District.

...Respondents

Prayer in W.P.No.34108 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 4th respondent dated 20.07.2023 bearing Na.Ka.No.04/A2/2023 and to quash the same as illegal and consequently to direct the respondents herein to pay the entire retirement benefits of the petitioner along with an interest for the belated payment for the same, calculated at the rate of 24% from the date of her superannuation i.e., 30.06.2022 till the date of payment, within any reasonable time as may be fixed by this Court.

W.P.No.34110 of 2023

A.Stellarani

...Petitioner



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

-Vs-

1. The Principal Secretary
Social Welfare & Women Empowerment Department
Government of Tamil Nadu
Chennai – 09.
2. The District Collector
District Collectorate
Jayankondam Road
Ariyalur District – 621 704.
3. The Administrative Officer
District Audit Party
Integrated Child Development Service
Ariyalur District – 621 704.
4. The District Project Officer
Integrated Child Development Service
Ariyalur District – 621 704.
5. The Project Officer
Child Development Service
Thirumanur Block
Ariyalur District.

...Respondents

Prayer in W.P.No.34110 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 4th respondent dated 20.07.2023 bearing Na.Ka.No.04/A2/2023 and to quash the same as illegal and consequently to direct the respondents herein to pay the entire retirement benefits of the petitioner along with an interest for the belated payment for the same, calculated at the rate of 24% from the date of her superannuation i.e., 30.06.2022 till the date of payment, within any reasonable time as may be fixed by this Court.



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

(In all W.Ps')

For petitioners : Mr.K.Govindan
For respondents : Mr.V.Veluchamy
Additional Government Pleader

COMMON ORDER

These writ petitions has been filed for challenging the impugned order passed by the 4th respondent dated 13.12.2023 and 20.07.2023 and consequently direct the respondents to pay the entire terminal benefits of the petitioners along with an interest for the belated payment.

2. All the petitioners worked as Child Welfare Worker from the year 1984 & 1994 respectively. Thereafter, they were retired from their respective service on attaining the age of superannuation. However, they were not paid terminal benefits and as such they submitted representations. In which the petitioners were informed that during Audit inspection they were found that excess salary was paid to the petitioners more than the amount fixed by the 7th pay commission in total Rs.22,587/-, Rs.23,172/- respectively.

3. Thereafter, the petitioners were informed that only after repayment of the said amount other benefits will be settled to the petitioners.



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

Aggrieved by the same, similarly placed persons approached this Court for direction to release their retirement benefits. While pending those writ petitions, the 4th respondent passed an order stated that there is an audit objection and as such their retirement benefits such as Special Provident Fund and General Provident Fund and pension benefits will be released and the lump sum amount entitled to the petitioners and it will be released only after the refund of the excess salary.

4. On the perusal of the counter affidavit filed by the respondents revealed that during the audit inspection it was found that excess salary more than Rs.22,587/- and Rs.23,712/- was paid to the each petitioners. Therefore, they were directed to pay the excess amount by the impugned order dated 13.12.2023 and 20.07.2023. In turn, the petitioners already executed a bond at the time of their retirement thereby assured that they pay the amount indicated in the audit objection to the Government for the loss incurred by them for the period of their employment.

5. On perusal of the records revealed that the petitioners were paid



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

the excess amount to the tune of Rs.23,172/- from the period of October 2017 to December 2021 and Rs.22,651/- from the month of July 2022 respectively. Further, in respect of the excess payment made to the employers is legally permissible those case of recovery of excess payment is to be made from the employer/pension.

6. In view of the above this Court finds no merits in these writ petitions to quash the impugned order passed by the 4th respondent. Hence, this writ petition is devoid of merits and it is liable to be dismissed. Accordingly, these writ petitions are dismissed. No costs.

14.03.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
gvn

To

1.The Principal Secretary

7/9



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

Social Welfare & Women Empowerment Department
Government of Tamil Nadu
Chennai – 09.

- 2.The District Collector
District Collectorate
Jayankondam Road
Ariyalur District – 621 704.
- 3.The Administrative Officer
District Audit Party
Integrated Child Development Service
Ariyalur District – 621 704.
- 4.The District Project Officer
Integrated Child Development Service
Ariyalur District – 621 704.
- 5.The Project Officer
Child Development Service
Thirumanur Block
Ariyalur District.

G.K.ILANTHIRAIYAN,J.
gvn



WEB COPY



W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

W.P.Nos.3980 of 2024 & 34108 & 34110 of 2023

14.03.2024