



W.P.(MD)No.10073 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.10073 of 2022

and

W.M.P.(MD)Nos.7174 and 7177 of 2022

R.Karthikeyan

... Petitioner

Vs.

1.The Commissioner,
Office of the Commissioner of Treasuries and Accounts,
CPS Cell, Government Date Centre,
Nandhanam, Chennai-35.

2.The Block Educational Officer-II,
Kallikudi Block,
Madurai District.

3.Shanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the orders passed by the 2nd respondent in her proceedings in Na.Ka.No. 1743/A2/2021 dated 06.04.2022 and the subsequent order in Na.Ka.No. 1743/A2/2021 dated 08.04.2022 and quash the same and direct the 2nd respondent to disburse the amount as per the authorization order passed by the 1st respondent in his proceedings in Ref.No.452251/CPS/2022 dated 07.01.2022 with interest at the rate of 24 percentage.



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For Petitioner : Mr.M.R.Vijayakumar
For Respondent : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the second respondent in his proceedings in Na.Ka.No.1743/A2/2021 dated 06.04.2022 and the subsequent order in Na.Ka.No.1743/A2/2021 dated 08.04.2022 and to direct the second respondent to disburse the amount.

2.Heard Mr.V.Panneer Selvam, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents.

3.The petitioner was appointed as B.T.Assistant in the Panchayat Union Service on 15.09.2010 and he was assigned with CPS No.736908/PUS in the Panchayat Union School service. Thereafter, the petitioner joined as PG.Assistant in the School Education Service on 17.09.2014 and he was assigned with fresh CPS No.7000245836/EDN. After being appointed in the School Education Service, the petitioner made a representation seeking to settle the CPS amount for the period, in which he served as B.T.Assistant in the Panchayat Union Service and the same was duly considered by the first respondent. However, the second respondent had surrendered the authorization order to the first respondent without any valid reasons.



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4.The learned Government Advocate for the second respondent submitted that it is the duty of the petitioner to give prior intimation regarding CPS allotment number to the first respondent or his appointing authority. However, the petitioner suppressed the existing CPS number and obtained a new one. He further submits that the petitioner continues to be in the Government service and he is not eligible for refund of the CPS amount. Hence, the second respondent had asked for some clarification and the same is yet to be received, therefore, the second respondent surrendered the authorization to the first respondent. After receiving clarification from the first respondent, necessary decision will be taken by the second respondent.

5.Admittedly, the petitioner has been given with two CPS numbers, first one was given, when the petitioner was working as BT Assistant and the second one was given, when the petitioner was working as PG Assistant. The petitioner has contributed for the said two CPS accounts and hence, the petitioner is very much eligible to get the amount contributed by him in the previous CPS account also. In this regard, the first respondent had also given authorization for disbursal of that amount. Therefore, the same shall not be withheld by the second respondent under pretext of getting clarification.



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6. Accordingly, this writ petition is allowed and the impugned order passed by the second respondent in Na.Ka.No.1743/A2/2021 dated 06.04.2022 and the subsequent order in Na.Ka.No.1743/A2/2021 dated 08.04.2022 are set aside. The second respondent is directed to disburse the amount contributed by the petitioner to his previous CPS account along with eligible interest, if any. No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

1. The Commissioner,
Office of the Commissioner of Treasuries and Accounts,
CPS Cell, Government Data Centre,
Nandhanam, Chennai-35.

2. The Block Educational Officer-II,
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R.N.MANJULA, J.

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