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W.P.(MD)No.11248 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.11248 of 2024

Mallika

... Petitioner

Vs.

- 1.The Director, Directorate of Elementary Education,
Chennai-6.
- 2.The District Educational Officer (Elementary),
District Educational Office,
Tenkasi.
- 3.The Block Educational Officer,
Vasudevanallur,
Tenkasi District.
- 4.The Accountant General of Tamil Nadu (A&E),
Teynampet, Chennai-600 018.
- 5.The Senior Manager,
UCO Bank, Rajapalayam Branch,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second and third respondents to forward the retirement benefit and pension proposal of the petitioner to the fourth respondent on or before 31.05.2024.



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For Petitioner : Mr.C.Mayilvahana Rajendran
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader
For R4 : Mr.P.Gunasekaran
For R5 : Mr.K.Periasamy

ORDER

This writ petition has been filed seeking a direction against the second and third respondents to disburse the retirement benefits to the petitioner.

2.The petitioner, who has been working as a Headmaster in Panchayat Union School, Sivagiri, retired from service on 31.05.2024 on attaining the age of superannuation. The petitioner's husband availed a housing loan with the fifth respondent Bank and the petitioner stood as a co-applicant for the said loan. As the said loan was not repaid, the fifth respondent has sent a letter to the second and third respondents. In pursuant to the said letter, the second and third respondent withheld the retirement and terminal benefits payable to the petitioner.

3.Obviously, there is no reason to withhold the pensionary benefits/retirement benefits payable to the petitioner departmentally. Only due to the request of the fifth respondent bank, the retirement benefits have been withheld.



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4.The retirement benefits or any other monetary benefits payable to an employee cannot be withheld by the employer, unless there is an order of the Court to attach those payments in the capacity of an employer or garnishee. In the instant case, there is no award or decree passed by the Court or Tribunal.

5.In view of the above legal position, the second and third respondents are directed to consider the representation of the petitioner dated 08.05.2024, positively within a period of four weeks from the date of receipt of a copy of this order. No costs.

31.07.2024

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

- 1.The Director, Directorate of Elementary Education,
Chennai-6.
- 2.The District Educational Officer (Elementary),
District Educational Office, Tenkasi.
- 3.The Block Educational Officer,
Vasudevanallur, Tenkasi District.
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R.N.MANJULA, J.

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