



W.P.(MD)No.15367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.15367 of 2024
and
W.M.P.(MD).No.13468 of 2024

R.Sakthi

... Petitioner

Vs.

- 1.The Accountant General,
361, Anna Salai,
Teynampet,
Chennai-600 018
- 2.The Joint Director (Higher Secondary
Education Department),
O.o, the Commissioner of
School Education,
School Education,
Chennai-600 006.
- 3.The Chief Educational Officer,
Theni District,
Theni.
- 4.The Headmaster,
Government Higher Secondary School,
Kandamanur,
Theni District.



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5. The District Treasury,
Theni District,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's Death-cum-Retirement Gratuity together with interest at 7.1% per annum from the date of the petitioner's voluntary retirement as the Headmistress of the fourth respondent School i.e., 30.11.2023 to till date.

For Petitioner : Mr.M.Charles Kamalesh M.Appaji

For R-1 : Mr.P.Gunasekaran

For R-2 to R-5 : Mr.T.Amjad Khan,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.M.Charles Kamalesh M.Appaji, learned counsel appearing for the petitioner, Mr.P.Gunasekaran, learned Counsel for the first respondent and Mr.T.Amjad Khan, learned Government Advocate appearing for Respondent Nos.2 to 4.



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3. This Writ Petition has been filed seeking a direction to the respondents to disburse the petitioner's Death-cum-Retirement Gratuity together with interest at 7.1% per annum from the date of the petitioner's voluntary retirement as Headmistress in the fourth respondent School i.e., 30.11.2023 to till date.

4. The petitioner retired from service on voluntary retirement with effect from 30.11.2023. But, so far, her Death-cum-Retirement Gratuity has not yet been disbursed to her.

5. Mr.P.Gunasekaran, learned counsel appearing for the first respondent submitted that the proceedings for disbursing the Death-cum-Retirement Gratuity has been sent to the third respondent and it is for the third respondent to disburse the same to the petitioner.

6. Mr.T.Amjad Khan, learned Government Advocate appearing for respondent Nos.2 to 5 submitted that the petitioner ought to have submitted the No Due Certificate before claiming for disbursal of the Death-cum-Retirement Gratuity. But, it is seen that the third respondent himself has given No Due Certificate by citing that there is no disciplinary proceedings pending against the petitioner and the petitioner has got no dues to be paid to the Department.



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When such is a case, it is unnecessary to hold the Death-cum Retirement

Gratuity to be paid to the petitioner without any reasons.

7. In view of the above, this Writ Petition is **disposed of** with a direction to the respondents to disburse the petitioner's Death-cum-Retirement Gratuity together with interest from the date of the petitioner's voluntary retirement as Headmistress in the fourth respondent School i.e., 30.11.2023 to till date preferably within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

11..07.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Accountant General,
361, Anna Salai,
Teynampet,
Chennai-600 018

2.The Joint Director (Higher Secondary
Education Department),
O.o, the Commissioner of
School Education,
School Education,
Chennai-600 006.



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3.The Chief Educational Officer,
Theni District,
Theni.

4.The Headmaster,
Government Higher Secondary School,
Kandamanur,
Theni District.

5.The District Treasury,
Theni District,
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R.N.MANJULA, J.

TSG

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