



WP(MD) No15696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2024

CORAM:

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P.(MD) No15696 of 2024

Pitchayammal

... Petitioner

Vs.

1. The Director of School Education,  
Office of the Director of School Education,  
DPI Complex, College Road,  
Nungambakkam,  
Chennai-600 006.

2. The Accountant General,  
Office of the Accountant General,  
36, Annasalai, Teynampet,  
Chennai-600 018.

3. The District Education Officer,  
Office of the District Education Officer,  
Melur Education District,  
Melur,  
Madurai-625 106.

4. M/s. Government Boys Higher Secondary School,  
Represented by its Head Mistress,  
Alanganallur,  
Madurai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2<sup>nd</sup> respondent to pay the commutation and the service gratuity and to pay the interest from the date of the petitioner's superannuation, ie., 31.01.2018 till the date of realization of the amount to the petitioner within a specific period that may be fixed by this Court.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.T.Amjadkhan  
Government Advocate  
for R1, R3 &R4  
: Mr.P.Gunasekaran  
for R2

### **ORDER**

The petitioner has filed this writ petition seeking for issuance of Writ of Mandamus directing the 2<sup>nd</sup> respondent to pay the commutation and the service gratuity and to pay the interest from the date of the petitioner's superannuation, ie., 31.01.2018 till the date of realization of the amount.



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2. Heard Mr.K.Navaneetharaja, learned counsel appearing for the petitioner, Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents 1,3 &4 and Mr.P.Gunasekaran, learned Counsel appearing for the second respondent.

3. The learned counsel for the second respondent submitted that the petitioner has been given with all payments and further the orders have been issued on 03.01.2024 itself. However, the learned counsel for the petitioner submitted that the calculation made by the respondents is not correct.

4.The petitioner who had attained superannuation on 31.01.2018 has got her retirement benefits settled only through the order of the second respondent dated 03.01.2024. In fact, the petitioner has already filed a writ petition in W.P(MD)No.20579 of 2023 for seeking a direction to disburse the terminal benefits. It is learnt that consequent to the direction of this Court, the proposal of the fourth respondent was received by the second respondent on 15.11.2023. As directed by this Court, the second respondent had passed the order of disbursal within



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the time prescribed by this Court vide order dated 20.11.2023, in W.P(MD)No.20579 of 2023. However, no reason has been stated by the fourth respondent as to why the proposal has been sent only on 15.11.2023 eventhough the petitioner has attained the age of superannuation on 31.01.2018 itself.

5. The learned Government Advocate attracted the attention of this Court to the observation made in the earlier writ petition in W.P(MD)No.20579 of 2023 dated 20.11.2023 at para No.3 as follows:

*“3. Per contra, the learned Government Advocate appearing for the respondents 1, 3 and 4 contended that the petitioner was not co-operating in submitting the papers to the school authorities, only then it could be forwarded to the Accountant General Office. On directions from the Court, the petitioner has approached the school authorities and submitted certain papers. However, the petitioner has not signed in the G.P.F closure forms.”*

6. However, it is for the petitioner to prove before the authorities concerned that the delay was not on her part and hence she is entitled to get the interest for the period between the date of superannuation ie., on



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31.01.2018 till the date of realization. Since the petitioner had given representation on 18.05.2024 claiming interest for her terminal benefits, the same may be considered on merits.

7. In the result, this writ petition is **disposed of** and the second respondent is directed to consider the representation of the petitioner dated 18.05.2024 on merits and pass orders either by allowing the interest or by assigning the reasons as to why the interest is disallowed. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No Costs.

**16.07.2024**

Index : Yes / No  
NCC : Yes / No  
Internet : Yes/ No  
PJJ

To

1. The Director of School Education,  
Office of the Director of School Education,  
DPI Complex, College Road,  
Nungambakkam,  
Chennai-600 006.

5/6



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**R.N.MANJULA, J.**

PJL

2. The District Education Officer,  
Office of the District Education Officer,  
Melur Education District,  
Melur,  
Madurai-625 106.

Order made in  
W.P.(MD)No.15696 of 2024

16.07.2024