



W.P.(MD).No.19433 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.19433 of 2021

and

W.M.P.(MD)No.16151 of 2021

P.Shanmugathai

... Petitioner

Vs.

1.The Accountant General (A & E),
361, Anna Salai,
Rostrevor Garden,
Teynampet, Chennai.

2.The District Educational Officer,
V.O.C.Higher Secondary School Campus,
Kovilpatti, Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to disburse the Death Cum Retirement Gratuity Benefit and General Provident Fund of the deceased Manimaran to the petitioner within the time fixed by this Court with interest.



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For Petitioner : Mr.H.Arumugam
For R-1 : Mr.P.Gunasekaran,
Standing Counsel
For R-2 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the 2nd respondent to disburse the Death Cum Retirement Gratuity Benefit and General Provident Fund of the deceased Manimaran to the petitioner within the time fixed by this Court with interest.

2. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner's father late. Pandian was employed as a Teacher. While in service, he passed away on 25.02.1987. He was survived by the petitioner and his mother and two more brothers. The petitioner's brother one Manimaran was provided with appointment on compassionate ground and was appointed as an Assistant in the office of the 2nd respondent. Thereafter, the



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petitioner's brother passed away on 20.02.2021. The petitioner's mother had predeceased the petitioner's brother. The petitioner's brother late.Manimaran was survived by the petitioner and yet another brother. In view of the same, they are entitled to receive the terminal benefits of the deceased employee Late.Manimaran. However, the same was not disbursed to them. Hence, the petitioner made a representation in person on 14.04.2021 and 25.05.2021 and the 2nd respondent had recommended the same for sanction. In view of the recommendation made by the 2nd respondent, having deducted an amount of Rs. 3,09,111.98/- (Rupees Three Lakhs Nine Thousand One Hundred and Eleven and Ninety Eight Paisa only) from the total terminal benefits of the deceased Manimaran, that is, an amount of Rs.17,72,199/- (Rupees Seventeen Lakhs Seventy Two Thousand One Hundred and Ninety Nine only) and an amount of Rs.14,63,087.02/- (Rupees Fourteen Lakhs Sixty Three Thousand and Eighty Seven and Two Paisa only) came to be sanctioned. Even though the said amount came to be sanctioned by the 2nd respondent, the same was not disbursed to the petitioner. Hence, the present writ petition came to be filed.



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3. The learned counsel appearing for the petitioner submitted that, the said order of deducting an amount of Rs.3,09,111.18/- (Rupees Three Lakhs Nine Thousand One Hundred and Eleven and Ninety Eight Paisa only) from the terminal benefits of the petitioner's brother was passed, in view of the loan availed by him at Canara Bank, Kayathar Branch, Tuticorin District, to the tune of Rs.5,00,000/- (Rupees Five Lakhs only), in terms of the letter of the Manager, Canara Bank, Kayathar Branch, dated 24.08.2021 and 24.11.2021. However, the same was not communicated to them and hence, they had not challenged the said exercise of deducting an amount of Rs.3,09,111.18/- (Rupees Three Lakhs Nine Thousand One Hundred and Eleven and Ninety Eight Paisa only) from the terminal benefits of the petitioner's brother. He further relying upon Rule 70 of the Tamil Nadu Pension Rules, 1978, submitted that, the 2nd respondent ought not to have deducted the personal loan which the petitioner's brother deceased Manimaran had availed from Canara Bank, Kayathar Branch. In view of the same, he pressed for allowing the writ petition.

4. The Additional Government Pleader, Mr.M.Sarangan, appearing for the respondents, on written instructions submitted that, the said amount has



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been deducted for the purpose of repaying the personal loan amount of Rs. 3,09,111.18/- (Rupees Three Lakhs Nine Thousand One Hundred and Eleven and Ninety Eight Paisa only) to the Canara Bank, Kayathar Branch, Tuticorin District and the petitioner is entitled to receive the remaining amount of Rs. 14,63,087.02/- (Rupees Fourteen Lakhs Sixty Three Thousand and Eighty Seven and Two Paisa only) on making a claim application. If the petitioner makes a claim application, it will be duly considered and the remaining amount will be disbursed.

5. Replying to the same, the learned counsel appearing for the petitioner drew my attention to Rule 70 of the Tamil Nadu Pension Rules, 1978 which provides for recovery and adjustments of Government dues. A careful reading of the same would reveal that the expression “ascertainable Government dues” includes balance of house building or conveyance advance, arrears of rent and other charges pertaining to occupation of Government accommodation, over-payment of pay and allowances and arrears of income-tax deductible at source under the Income-tax Act, 1961 (43 of 1961). It also includes dues to the local bodies or to the Staff Co-operative Societies comprising of Government



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servants and registered under the Tamil Nadu Co-operative Societies Act, 1961 or to the Tamil Nadu Housing Board or to the Corporation owned / controlled by the State Government.

6. Heard the learned counsels on either sides. Carefully perused the materials available on record.

7. This Court is of the considered view that, the 2nd respondent ought not to have deducted the said amount from the terminal benefits. In view of the same, the petitioner is directed to make a claim application in respect to the terminal benefits of the petitioner's deceased brother late. Manimaran to the 2nd respondent forthwith. On receipt of the same, the 2nd respondent is directed to disburse an amount of Rs.14,63,087.02/- (Rupees Fourteen Lakhs Sixty Three Thousand and Eighty Seven and Two Paisa only) within a period of one(1) month therefrom. However, the petitioner is given with liberty to challenge the deduction amount of Rs. 3,09,111.18/- (Rupees Three Lakhs Nine Thousand One Hundred and Eleven and Ninety Eight Paisa only), in view of Rule 70 of the Tamil Nadu Pension Rules, 1978.



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8. Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

- 1.The Accountant General (A & E),
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L.VICTORIA GOWRI, J.

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