



2025:KER:26653

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 9231 OF 2025

PETITIONER:

**PRAKASH C
AGED 57 YEARS
S/O. NARAYANAN NAIR HEADMASTER (RETIRED),
PARIYAPURAM CENTRAL AUP SCHOOL,
TANUR, MALAPPURAM DISTRICT
RESIDING AT KOTTILOTT HOUSE, POST KALPATHUR
KOZHIKODE DISTRICT, PIN - 673524**

**BY ADVS.
R.K.MURALEEDHARAN
ATHIRA A.MENON
HARISANKAR.K.V.**

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO FINANCE
DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001**
- 2 DIRECTOR OF GENERAL EDUCATION
DIRECTORATE OF GENERAL EDUCATION
THIRUVANANTHAPURAM, PIN - 695014**
- 3 THE DEPUTY DIRECTOR OF EDUCATION,
OFFICE OF THE DEPUTY DIRECTOR OF EDUCATION
MALAPPURAM, MALAPPURAM DISTRICT, PIN - 676505**



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- 4 THE ASSISTANT EDUCATIONAL OFFICER,
OFFICE OF THE ASSISTANT EDUCATIONAL OFFICER,
TANUR, MALAPPURAM DISTRICT, PIN - 676302
- 5 THE SUB TREASURY OFFICER
PERAMBRA SUB TREASURY, PERAMBRA
KOZHIKODE DISTRICT, PIN - 673525
- 6 THE HEADMASTER
PARIYAPURAM CENTRAL AUP SCHOOL, TANUR,
MALAPPURAM DISTRICT, PIN - 676302

BY ADV.

SRI. PREMCHAND R. NAIR, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27.03.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENT

Dated this the 27th day of March, 2025

The petitioner, who worked as Headmaster from 01.05.2021 to 31.05.2024, has approached this Court seeking to quash Ext.P4 and to direct the 4th respondent to issue NLC so as to produce before the 5th respondent for disbursement of the DCRG within a time frame. The petitioner retired on superannuation while working as Headmaster on 31.05.2024. Though pension and other terminal benefits were disbursed to the petitioner, DCRG has been withheld for want of NLC.

2. The petitioner states that the petitioner is not liable to pay any amount and no liability has been fixed while he is in service. Furthermore, the petitioner has executed Ext.P3 bond agreeing for recovery from pension arrears, DA arrears, etc. Therefore, there is no reason to withhold the DCRG amount payable to the petitioner.



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3. I have heard the learned counsel for the petitioner and the learned Senior Government Pleader representing respondents 1 to 5.

4. The Senior Government Pleader submitted that audit objections were raised involving the period during which the petitioner was Headmaster and therefore, on finalisation of the audit, liability will have to be fixed on the petitioner.

5. It is to be noted that the petitioner retired from service on 31.05.2024. No liability was fixed when the petitioner was in service. A perusal of Ext.P5 audit objection would show that most of the objections raised therein were not during the period when the petitioner was Headmaster. As regards the anomalies seen during the period when the petitioner was Headmaster, the petitioner has submitted an explanation to the present Headmaster, who has to forward it to the authorities.



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6. As the liability of the petitioner has not been finally computed so far with notice to the petitioner, I am of the view that continued withholding of DCRG is unjustified. The DCRG amount can be released to the petitioner especially in the light of Ext.P3 undertaking given by the petitioner.

In the circumstances, the writ petition is disposed of directing the 4th respondent to issue NLC to the petitioner. On issuance of NLC, the 5th respondent shall release DCRG to the petitioner within a period of three months. It is made clear that after finalisation of audit notes as per Ext.P5, if any liability is found, the respondents will be at liberty to recover the same from the pensionary benefits of the petitioner in accordance with law. The claim of the petitioner for interest on delayed payment of DCRG, is left open.

Sd/-

N.NAGARESH

JUDGE

spk



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APPENDIX OF WP(C) 9231/2025

PETITIONER EXHIBITS

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| Exhibit P1 | TRUE COPY OF THE PENSION PAYMENT ORDER, COMMUTATION PAYMENT ORDER DATED 05.06.2024 ISSUED BY THE ACCOUNTANT GENERAL (A & E) |
| Exhibit P1(a) | TRUE COPY OF THE GRATUITY PAYMENT ORDER DATED 05.06.2024 ISSUED BY THE ACCOUNTANT GENERAL (A & E) |
| Exhibit P1(b) | TRUE COPY OF THE GRATUITY PAYMENT ORDER DATED 27.01.2025 ISSUED BY THE ACCOUNTANT GENERAL (A & E) |
| Exhibit P2 | TRUE COPY OF THE RELEVANT PAGES OF GO(P) NO. 67/2020/FIN DATED 27.05.2020 |
| Exhibit P3 | TRUE COPY OF THE BOND EXECUTED BY THE PETITIONER ALONG WITH A COVERING LETTER DATED 22.08.2024 |
| Exhibit P4 | TRUE COPY OF THE COMMUNICATION NO.AEOTNR/396/2024-A DATED 02.09.2024 FROM THE 4TH RESPONDENT |
| Exhibit P5 | TRUE COPY OF THE AUDIT REPORT SUBMITTED TO THE 6TH RESPONDENT |
| Exhibit P6 | TRUE COPY OF THE REPLY SUBMITTED BY THE PETITIONER TO THE 6TH RESPONDENT DATED 03.03.2025 |