



W.P.No.11470 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.11470 of 2025

G.Joseph D'Silva

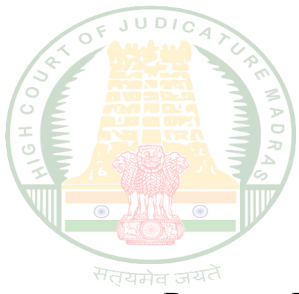
... Petitioner

-Versus-

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Thirupattur District,
Thirupattur.
- 4.The District Educational Officer (Elementary),
Thirupattur Education District,
Thirupattur.
- 5.The Block Educational Officer,
Jolarpet Block,
Thirupattur District.

6.T.Maheswari

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondents to pass orders on the representation submitted by the petitioner dated 16.12.2024 and to sanction interest at the rate of 12% per annum for the period of delay from the date of retirement till the date of settlement of retirement benefits caused at the instance of 6th respondent, holding the post of 5th respondent, by conducting necessary enquiry based on the orders of Director of Elementary Education, Chennai in Na.Ka.No.021438/C2/2024 dated 08.11.2024, within a time frame to be fixed by this Court.

For Petitioner : *Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan*

For Respondents : *Mrs.S.Mythreye Chandru,
1 to 5 Special Government Pleader*

ORDER

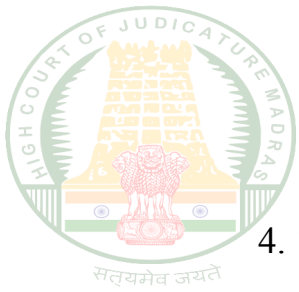
The writ petition has been filed in the nature of a Mandamus seeking a direction against the respondents to consider the representation given by the petitioner on 16.12.2024 and grant interest at the rate of 12% per annum for alleged delay in settlement of retirement benefits from the date of retirement till the date of actual disbursement. The petitioner claims that the delay was at the instance of sixth respondent who had been named as a party in the writ petition and has been holding the post of fifth respondent. The petitioner also claims that the enquiry had been conducted on the basis of the orders of the Director of Elementary Education, Chennai dated 08.11.2024.



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WEB COPY 2. In the affidavit filed in support of this writ petition, the petitioner had claimed that he was initially appointed as Secondary Grade Teacher in Elementary Education on 18.02.1991 and posted in Kaveripattinam Block, Vellore District. He was then transferred to Jolarpet Block in the year 1993 and he was sanctioned with Selection Grade on 18.02.2001. He was then promoted as Primary School Headmaster on 27.08.2008. He was also sanctioned Selection Grade Scale of Pay in the post of Primary School Headmaster with effect from 18.12.2011.

3. It had been stated that there were several issues relating to the cancellation of increment paid towards Selection Grade and the increment was stopped with effect from 01.01.2016. He had given several representations questioning that particular fact. Thereafter, he was not granted Selection Grade in the post of Primary School Headmaster owing to verification of genuineness of his educational certificates. Certificates were cleared that they were genuine only in December 2023. In the meanwhile, he was also informed that he had been paid excess salary in the Selection Grade in the post of Primary School Headmaster between 18.02.2011 and 31.12.2015.

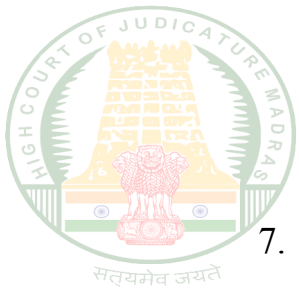


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4. There was also an audit objection regarding the scale of salary which was actually paid to him. It had further been stated that the audit objection was settled on 03.05.2024 by the Financial Advisor/Chief Accounts Officer at Chennai. In the meanwhile, he had attained the age of superannuation on 31.03.2024. Claiming that his retirement benefits had not been paid within time and that there had been a deliberate delay by the fifth respondent who is named as party in the writ petition, the petitioner claims that interest should be paid to him at 12% per annum for the period of delay.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader who had taken notice for the respondents 1 to 5. The writ petition is disposed of even without issuing notice to the sixth respondent.

6. The petitioner had retired from service on attaining the age of superannuation on 31.03.2024. The proposal for pension should have been forwarded by the institution where he had worked even six months prior to the retirement. But there was a delay by the institution in forwarding the proceedings. In the meanwhile, the respondents had also considered the audit objection which had been raised right from the year 2016.



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7. The learned Senior Counsel claimed that the petitioner came to know about the audit objection of the year 2016 only in the year 2024. The audit objection was with respect to grant of increment for Selection Grade which had been paid with effect from 01.01.2016. That increment had actually been cancelled and stopped and not paid subsequently even during the service period of the petitioner herein. Therefore, the respondents will have to necessarily work out the scale of pay which had been paid to the petitioner and by deducting the increment already paid.

8. There is yet another issue i.e., verification of genuineness of the educational certificates of the petitioner herein. That particular verification was completed only in December 2023. Thereafter, there was yet another audit objection relating to excess pay paid to the petitioner between 18.02.2011 and 31.12.2015. Even according to the affidavit filed by the petitioner that particular audit objection was examined and cleared by the Financial Advisor/Chief Accounts Officer at Chennai only on 03.05.2024, post the retirement of the petitioner herein.

9. Therefore, the respondents could process the pension papers only when all the audit objections had been cleared. The first one relating to the increment which was paid to the petitioner, over which, an objection was raised, the



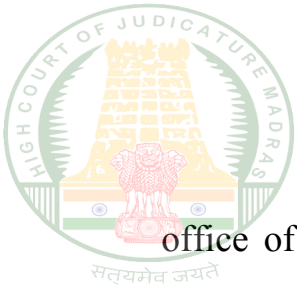
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second one relating to the genuineness of the educational certificates of the petitioner which was cleared only in December 2023 and the third one with respect to alleged excess salary paid between 18.02.2011 and 31.12.2015 which was cleared only on 03.05.2024.

10. In all those objections which were raised, I am not able to understand as to what could be the role of the sixth respondent who had been impleaded as a party in the writ petition. Those objections will have to be necessarily cleared before any Public Servant/Government Servant could be paid with retirement benefit. If a Government Servant had benefited by payment of increment which was not to be paid or paid with excess salary or produced certificates which had to be verified, then no individual in any department can be held responsible but the petitioner himself. The petitioner should have clarified all these aspects as and when they had arisen.

11. The papers for pension had been submitted only in March 2024 and not earlier and only thereafter, the respondents could have taken into consideration the proposal given by the petitioner.

12. In fact, there was a communication issued to the petitioner with respect to yet another aspect namely a loan which was obtained by him from the



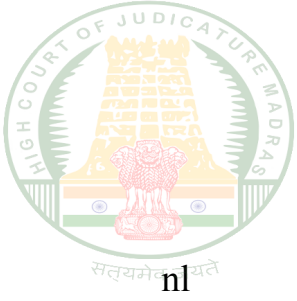
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office of the Collector for construction purpose. In the communication dated 06.08.2024, it had been very specifically stated that the original discharge had not been produced by the petitioner and the papers would be processed further, when that is produced.

13. Thus, it is seen that there was no deliberate delay on the part of any of the officials. The petitioner could have been made to run from pillar to post, since there objections were raised. Unless they were cleared, there could not be any reasonable expectation on the part of the petitioner to be paid with the terminal benefits.

13. Having retired in the elevated post of School Headmaster, the petitioner can now devote himself to further educating children who are in need of education. He can volunteer to go over to prisons to offer his knowledge and experience to the prisoners who would prefer to write career advancements. The petitioner can also offer services in homes where victims of various offences are housed and offer his services and guidance to them. These would be more honourable services rendered by the petitioner, in fact more honourable than the services had he rendered by getting salary.

14. The writ petition stands dismissed. No costs.



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Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes/No

To

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School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
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Thirupattur.
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C.V.KARTHIKEYAN, J.

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