



W.A.(MD)No.1054 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1054 of 2023
and
C.M.P.(MD)No.8015 of 2023**

A.Muthusamy

... Appellant

Vs.

1.The Chief Educational Officer,
Office of the CEO,
Tirunelveli - 9.

2.The District Educational Officer,
Office of the DEO,
Thenkasi,
Tirunelveli District - 627 811.

3.The Secretary,
Ramasamy Pillai Higher Secondary School,
Ilanji, Via Thenkasi,
Tirunelveli District - 627 805.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.152 of 2020 dated 05.12.2022 on the file of this Court.



W.A.(MD)No.1054 of 2023

For Appellant : Mr.S.Vishnuvardhan

For Respondents : Mr.C.Venkateshkumar,
Spl. Government Pleader for R1 & R2.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard the learned counsel for the appellant and the learned Special Government Pleader for the respondents 1 and 2. The third respondent has been served and their name is also printed in the cause list. But they have not chosen to enter appearance.

2.The appellant joined the third respondent school as B.T.Assistant on 07.07.1989. He was promoted as P.G.Assistant on 06.01.2003. He was holding the post of Headmaster (incharge) from 31.05.2014 to 11.05.2016. He retired on 31.05.2017.

3.During the period when the appellant was incharge headmaster, he had utilized Parent-Teacher Association funds as well as Special funds to the tune of Rs.7,68,000/-. He had done so without the prior permission of the department. Subsequently, the Chief Educational Officer ratified the expenditure to the tune of Rs.4,63,959/-. Since the



W.A.(MD)No.1054 of 2023

management has not ratified the expending of Parent-Teacher Association funds, they did not send the pension proposal of the appellant to the department. Since his terminal benefits were not settled and his pension has not been released, the writ petitioner filed W.P. (MD)No.152 of 2020. The writ petition was disposed of by the learned Single Judge vide order dated 05.12.2022. Aggrieved by the same, this writ appeal has been filed.

4.The basic facts are not in dispute. The appellant was allowed to retire. There is no disciplinary proceeding pending against the writ petitioner. The only reason as to why he is not getting his pension is that the management has not sent the proposal to the department. The management has not sent the proposal because there is dispute regarding spending of Parent-Teacher Association funds.

5.We are of the view that for this reason, the disbursement of the remaining benefits of the appellant need not be withheld. The appellant undertakes before this Court that the department can withhold the Parent-Teacher Association funds and disburse the remaining amount alone.



W.A.(MD)No.1054 of 2023

WEB COPY

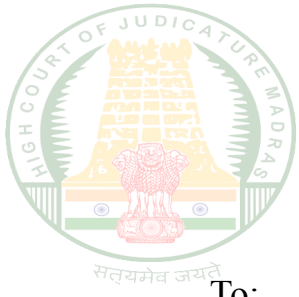
6. Recording the undertaking of the appellant, the third respondent / school management is directed to send the pension proposal of the writ petitioner within a period of four weeks from the date of receipt of a copy of this order to the competent authority. We direct the department to process the appellant's pension papers within a period of three months thereafter. In any event, within a period of five months from today ie., 10.07.2025, all the remaining terminal benefits payable to the appellant shall be settled and the appellant's pension also duly sanctioned. Thereafter, the appellant shall pay the Parent-Teacher Association funds to the tune of Rs.3,04,108/- to the management. Upon the appellant submitting proof of such payment to the department, the department can release the withheld fund directly to the appellant.

7. This writ appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.,) & (K.R.S. J.,)
10.07.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

4/6



W.A.(MD)No.1054 of 2023

To:
WEB COPY

- 1.The Chief Educational Officer,
Office of the CEO,
Tirunelveli - 9.
- 2.The District Educational Officer,
Office of the DEO,
Thenkasi,
Tirunelveli District - 627 811.
- 3.The Secretary,
Ramasamy Pillai Higher Secondary School,
Ilanji, Via Thenkasi,
Tirunelveli District - 627 805.



WEB COPY



W.A.(MD)No.1054 of 2023

G.R.SWAMINATHAN, J.
and
K.RAJASEKAR, J.

ias

W.A.(MD)No.1054 of 2023

10.07.2025