

W.P.(MD)No.8379 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8379 of 2025

and

W.M.P(MD)No.6274 of 2025

Dr.D.Paul Grace

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by the Principal Secretary
Department of Higher Education,
Fort St.George
Chennai - 600 006.
- 2.The Principal Accountant General (A and E),
361, Annasalai,
Chennai - 600 018.
- 3.The Commissioner of Collegiate Education,
College Road,
Chennai - 600 006
- 4.The Joint Director of Collegiate Education,
Dharmapuri Region,
Dharmapuri.
- 5.The Principal,
Namakkal Kavingar Ramalingam
Government Women's Arts College,
Namakkal 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 respondents to forthwith disburse the undisputed retirement benefits to the petitioner by considering her representation, dated 07.02.2025.

For Petitioner : Mr.K.Ragatheesh Kumar
For M/s.Issac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a writ of Mandamus, directing the respondents to forthwith disburse the undisputed retirement benefits to the petitioner by considering her representation, dated 07.02.2025.

2. The case of the petitioner is that she served as Principal Grade I in the fifth respondent college. An enquiry was conducted pursuant to the charge memo issued by the third respondent on 13.04.2023. Based on the enquiry report, the first respondent vide GO (D) No.212, Higher Educational (F1) Department, dated 30.06.2023 passed orders compulsorily retiring the petitioner from service. The petitioner filed writ petition in W.P(MD)No.22490 of 2023

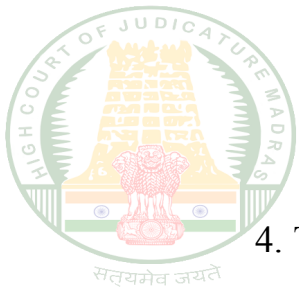


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before this Court and the same is pending. In the meantime, the petitioner

attained the age of superannuation on 29.02.2024. After retirement, the respondents have not disbursed the undisputed pension benefits for which the petitioner is legally entitled. Under these circumstances, the petitioner submitted a representation to the third respondent on 07.02.2025 seeking for disbursement of the undisputed service benefits. The fifth respondent college also forwarded the representation along with pension proposal to the third respondent on 18.02.2025. Against the inaction of the third respondent in considering the same, the petitioner has constrained to file this writ petition.

3. The learned counsel for the petitioner submits that there is no statutory provision to with hold the retirement benefits and other terminal benefits of an employee, who attained the age of superannuation. The act of the respondents with holding the petitioner's retirement benefits is without any statutory sanction and hence the same has to be declared as illegal. The learned counsel for the petitioner further contends that no prejudice will be caused to any one in the event of settling the undisputed retirement benefits.

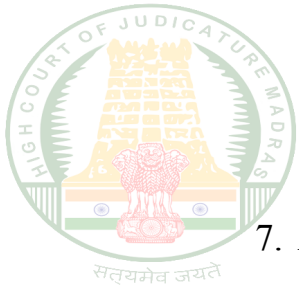


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4. The learned Additional Government Pleader for the respondents would submit that actually the fifth respondent has to send proposal to consider the request of the petitioner as stated by the learned counsel for the petitioner. If that proposal is sent to the third respondent on 18.02.2024, it will be considered within a time to be stipulated by this Court.

5. There is no dispute with regard to the admitted facts in this case. The only issue raised in this writ petition is with regard to the non-consideration of the representation, dated 07.02.2025 of the petitioner, wherein, it is requested to settle the undisputed terminal benefits.

6. In view of the same, in the considered opinion of this Court, it is appropriate and reasonable to dispose of this writ petition at the stage of admission with the consent of both sides without going into the merits of the case with a direction to the third respondent to consider the representation dated 07.02.2023 of the petitioner and pass appropriate orders within a time to be stipulated to meet the ends of justice.



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7. Accordingly, this writ petition is disposed of with a direction to the third respondent to consider the representation dated 07.02.2025 of the petitioner and disburse the undisputed monetary benefits to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

No costs.

Consequently, the connected miscellaneous petition is closed.

26.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Principal Secretary
Department of Higher Education,
Fort St.George
Chennai - 600 006.
- 2.The Principal Accountant General (A and E),
361, Annasalai,
Chennai - 600 018.
- 3.The Commissioner of Collegiate Education,
College Road,
Chennai - 600 006

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4. The Joint Director of Collegiate Education,
Dharmapuri Region,
Dharmapuri.

5. The Principal,
Namakkal Kavingar Ramalingam
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BATTU DEVANAND, J.

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