



W.P.(MD)No.18038 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.18038 of 2025

R.Karpagavalli

... Petitioner

-VS-

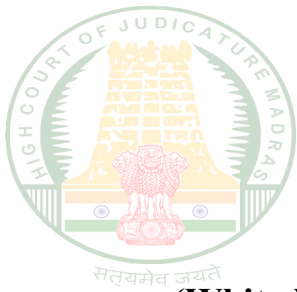
1.The Chief Educational Officer,
Madurai, Madurai District.

2.The Headmaster,
Government Boys Higher Secondary School,
Alanganallur, Madurai District.

3.The Headmaster,
Government Higher Secondary School,
Kariyapatti, Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 04.09.2024 for disbursement of the petitioner's earned leave and unearned leave (Private Affairs) salary for a period of 10 months and 5 days, by taking the last pay drawn at Rs.91,300/- as adopted by the Accountant General, while authorizing the pension in the light of the order of the Hon'ble Supreme Court in **State of Punjab and Others vs. Rafiq Masih**



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(White Washer) and also Special Provident Fund, within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Ponnaiah

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a direction to the third respondent to consider the petitioner's representation dated 04.09.2024, for disbursement of earned leave and unearned leave (Private Affairs) salary for a period of 10 months and 5 days, based on the last pay drawn at Rs.91,300/-, as adopted by the Accountant General while authorizing the pension, in the light of the judgment of the Hon'ble Supreme Court in **State of Punjab and others vs. Rafiq Masih (White Washer)** reported in **AIR 2015 SC 696** and also for disbursement of the Special Provident Fund, within a time frame to be stipulated by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. According to the petitioner, she was appointed as a Secondary Grade Teacher in a Government Aided School on 15.11.1991 and later joined the second respondent School through proper selection on 18.01.2001. She was awarded Selection Grade and Special Grade promotions as per service rules and was subsequently promoted as B.T. Assistant. The petitioner attained superannuation on 31.05.2024 while serving at the third respondent School, with the last pay drawn being Rs.94,000/-. The Accountant General, Chennai, while authorizing pensionary benefits, adopted the pay last drawn as Rs.91,300/- after reducing one stage, citing an alleged erroneous fixation in the Selection Grade. Pensionary benefits such as pension, DCRG and commutation were disbursed accordingly, based on the "No Due, No Objection Certificate" issued by the third respondent on 21.06.2024.

4. Further, according to the petitioner, the alleged pay fixation error pertains to the year 2008 and the petitioner had no role or responsibility in the same. In view of the Hon'ble Supreme Court judgment in **State of Punjab and others vs. Rafiq Masih (White Washer)** [cited supra] and G.O.(Ms)No.286, Finance Department dated 28.08.2018, recovery from the petitioner is impermissible. Despite repeated requests, the third respondent has not sanctioned

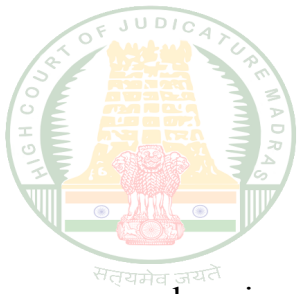


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or disbursed the earned leave and unearned leave salary (Private Affairs) for a period of 10 months and 5 days and has also failed to disburse the Special Provident Fund, all of which, are terminal benefits rightfully earned by the petitioner. The petitioner's representation dated 04.09.2024, requesting disbursement of the said benefits, based on the last pay drawn of Rs.91,300/- (as already accepted by the Accountant General for pension authorization), remains unconsidered. The withholding of these terminal benefits by the third respondent is arbitrary, unjust and in violation of Articles 14, 16, and 300A of the Constitution of India. Therefore, the petitioner is constrained to approach this Court, seeking a direction to the third respondent to consider and act upon her representation dated 04.09.2024 and disburse the earned leave, unearned leave salary and Special Provident Fund without further delay.

5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of



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keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 04.09.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of one month from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.

8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
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VIVEK KUMAR SINGH, J.

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