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W.P.(MD) No.19011 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.19011 of 2022

and

W.M.P.(MD) No.13884 of 2022

P.Parameswari

... Petitioner

-vs-

The Executive Engineer
Public Works Department
Building Maintenance Division
Madurai-2

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus by calling for the records pertaining to the impugned order in Letter No.EC-I/F.10(a)/2013(748) dated 25.10.2013 and the consequential order in Letter No.NeU-2/Ko-2/2022-(651,672) dated 27.07.2022 passed by the respondent and quash the same and consequently direct the respondent to pay the DGRC amount to the petitioner within the time frame stipulated by this Court.



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For Petitioner : Mr.G.Mohan Kumar
For Respondent : Mr.C.Satheesh
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 25.10.2013 and the consequential letter dated 27.07.2022, issued by the respondent.

2. Under the impugned order / letter, a sum of Rs.2,52,555/- has been withheld from the DCRG amount payable on account of the deceased employee G.Premkumar. The petitioner is the wife of the deceased employee G.Premkumar. For the alleged unauthorized occupation of the staff quarters allotted to G.Premkumar, a sum of Rs.2,52,555/- has been withheld from the DCRG amount. The petitioner claims that the said amount is not liable to be paid by G.Premkumar as claimed by the respondent, since there was no unauthorized occupation of the staff quarters by him while he was in service.



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3. A counter affidavit has been filed by the respondent denying the contentions of the petitioner and they have reiterated that a sum of Rs.2,52,555/- has been rightly deducted from and out of DCRG payable on account of the deceased employee G.Premkumar.

4. However, as seen from the impugned order, the petitioner has not been granted an opportunity to submit her explanation as to why the sum of Rs.2,52,555/- cannot be deducted from and out of the DCRG amount. In view of the same and in the interest of justice, this Court deems it fit to quash the impugned order / letter and to remand the matter back to the very same respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court.

5. This Court has also taken note of the fact that the petitioner is having the benefit of interim stay of the operation of the impugned order / letter since 22.08.2022.



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6. Accordingly, the impugned order dated 25.10.2013 and the consequential letter dated 27.07.2022, issued by the respondent are hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law. The petitioner shall submit her explanation to the respondent as to why the sum of Rs.2,52,555/- cannot be deducted from and out of the DCRG amount payable on account of the deceased employee G.Premkumar, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall consider the same after affording one opportunity of personal hearing to the petitioner and pass final orders on merits and in accordance with law, within a period of twelve weeks thereafter.

7. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

21.11.2025

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

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To:
The Executive Engineer,
Public Works Department,
Building Maintenance Division,
Madurai-2.



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ABDUL QUDDHOSE, J.

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