



WP(MD). No.29640 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 22.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.29640 of 2025

R.Sivakumar

... Petitioner

Vs.

1. The Director of Elementary Education,
Directorate of Elementary Education,
DPI Compound, Chennai - 600 006.

2. The District Elementary Education Officer,
District Elementary Education Office,
Venkatachalapuram Road,
Kaliappa Nagar,Sivakasi - 626 123.
Virudhunagar District.

3. The Block Education Officer -III
Elementary Education,
Ramakrishnapuram,Mangapuram,
Srivilliputhur - 626125.
Virudhunagar District..

4. The Correspondence,
R.C.Primary School,
P.Sallippatti Village - 626138
Srivilliputhur Taluk,
Virudhunagar District.

5.S.Selvakumari

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 3 herein to dispose of the petitioner's representation dated 28.08.2025 on merits and in accordance with law within the time as stipulated by this court.

For Petitioner : Mr.M.Karuppasamypandian,

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader for R1 to R3

ORDER

This writ petition has been filed for a writ of Mandamus, to direct the respondents 1 to 3 herein to dispose of the petitioner's representation dated 28.08.2025.

2. The learned counsel for the petitioner would submit that the fifth respondent had taken loan from the petitioner and he had submitted an application for voluntary retirement and the same is under active consideration and if he is permitted to retire from service on 30.06.2025, pursuant to the said permission to retire voluntarily, the fifth respondent is entitled to various amounts and therefore, the petitioner has sent a

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representation to withhold the benefits of the fifth respondent and the same has not been considered. Hence, he approached this Court with the present writ petition.

3. Countering his arguments, the learned Additional Government Pleader would submit that such representation need not be even considered as it is a private dispute between the petitioner and the fifth respondent and only if any order of attachment by a competent civil Court has passed, the same could be entertained and the terminal benefits cannot be withheld on the representation made by the petitioner, as the retirement benefits would have to be disbursed to the fifth respondent on him being retired from service and therefore, prays this Court to dismiss the writ petition.

4. Heard the learned counsel on either side and perused the material available on record.

5. As rightly pointed out by the learned Additional Government Pleader, the petitioner had only made a representation to withhold the



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terminal benefits and on such representation, the employer is not entitled to withhold the terminal benefits and such withholding can be made under orders the competent Civil Court and not otherwise.

6. For the aforesaid reasons, I do not find any merits in this writ petition and accordingly, the writ petition stands dismissed. However, the petitioner is at liberty to approach the appropriate civil Court in the manner known to law, if he is so advised for recovery of money paid by him to the fifth respondent. No order as to costs.

22.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
LS

TO

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K.KUMARESH BABU,J

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