



W.P.(MD) No.34472 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD)No.34472 of 2025

H.Dennison

... Petitioner

/vs./

1.The District Educational Officer,
Kuzhithurai Educational District,
Marthandam 629165.
Vilavancode Taluk,
Kanyakumari District.

2.The Accountant General,
O/o. Accountant General,
A and E Tamil Nadu,
Anna Salai,
Chennai 600 018.

3.The Secretary,
Kalkulam and Vilavancodu,
Taluk Teachers Co-Operative Thrift and Credit Society Ltd.,
K.V.116, Kulithurai and Post,
Kanyakumari District 629163.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records related to the



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proceedings/ impugned order of the first respondent dated 24.09.2025 in Na.ka.No.3575/Aa6/2025 and to quash the same as void and unlawful as it is against Sec. 60 (g) CPC and settled principles of law and consequently direct the respondents to disburse the Death Cum Retirement Gratuity amount of Rs.2,51,449/- with interest as per Rule 45(A) of Tamil Nadu Pension Rule within a time frame.

For Petitioner : M/s.T.Akalya

For R1 : Mr.N.Satheesh Kumar
Additional Government Pleader

For R2 : Mr.G.Karthik
standing counsel

ORDER

The present Writ Petition has been filed for a writ of Certiorarified Mandamus, to call for records related to the proceedings/ impugned order of the first respondent dated 24.09.2025 in Na.ka.No.3575/Aa6/2025 and to quash the same as void and unlawful as it is against Sec. 60 (g) CPC and settled principles of law and consequently direct the respondents to disburse the Death Cum Retirement Gratuity amount of Rs.2,51,449/- with interest as per Rule 45(A) of Tamil Nadu Pension Rule within a time frame.



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2. The learned counsel for the petitioner submits that even though the petitioner superannuated as early as on 31.03.2008, the Death Cum Retirement Gratuity for a sum of Rs.2,51,499/- has not yet been paid to him. In view of the payment that he has to pay to the third respondent society only if a No Objection Certificate is issued by the third respondent, the same can be disbursed to him as there is lien over the DCRG in respect of the amount due to the third respondent. He further submits that as against the judgment and decree where he was held to be liable to pay the third respondent, he had filed A.S.No.4 of 2011 before the Sub Court, Kuzhithurai. By judgment dated 31.08.2012, the learned Sub Judge allowed the appeal and set aside the petitioner's liability. Against the same, the third respondent filed S.A.No.524 of 2013, which is still pending before this Court without any interim orders. In spite of the same, the DCRG amount has not been disbursed to him. Hence, he seeks indulgence of this Court to quash the impugned order and direct the respondents to release the DCRG amount together with interest as per the Tamil Nadu Pension Rules.

3. Countering his arguments, the learned Additional Government Pleader for the first respondent submits that as per the Tamil Nadu Pension Rules, when



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there is a due to an employees' co-operative Credit Society, the same can be retained by them under the provisions of the Rules only if a No Objection Certificate is produced by the petitioner, the amount could be disbursed to her.

4.The learned Standing Counsel for the second respondent would reiterate the submissions made by the learned Additional Government Pleader.

5.I have considered the submissions made by the learned counsel on either side and perused the materials on record.

6.Even under the impugned order, a sum of Rs.60,108/- alone is liable to be paid by the petitioner which also includes the principal and interest. In the appeal suit filed by the petitioner in A.S.No.4 of 2011, the appellate court has already set aside the petitioner's liability. Against which admittedly the second appeal is pending consideration before this Court in S.A.No.524 of 2013. Even assuming that the petitioner is due amounts to the third respondent, it is to be seen that the due of amounts is much less than the amount payable to the petitioner under the Death cum Retirement Gratuity.



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7. Therefore, this Court is of the view that the amount due to the third respondent can be retained from DCRG payable to the petitioner and the balance amount can be paid to the petitioner. There is also no reasons forthcoming as to why the entire amount has been retained for the amount payable by the petitioner which is lesser than the amount she is entitled to.

8. For the aforesaid reasons, the writ petition stands disposed of with a direction to the respondents to retain the amount payable by the petitioner to the third respondent as per the judgment and decree made in O.S.No.414 of 2005 dated 22.12.2009 on the file of the I Additional District Munsif Court, Kuzhithurai and to disburse the remaining DCRG to the petitioner together with interest as prescribed under the Tamil Nadu Pension Rules, 1978. Such exercise shall be carried out by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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K.KUMARESH BABU, J.

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