



W.P.(MD)No.31056 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.31056 of 2024

A.Gurusamy,
Head Master,
Kariapatti Panchayat Union Middle School,
Vakkanangundu,
Virudhunagar District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai – 600 009.
2. The Director of Elementary Education,
O/o the Director Elementary Education,
DPI Compound,
College Road,
Chennai – 6.
3. The District Elementary Educational Officer,
O/o. the District Elementary Educational Office,
Collectorate Complex,
Virudhunagar Educational District,
Virudhunagar District.
4. The Block Educational Officer,
O/o. the Block Educational Office,
Kariyapatti Union,
Virudhunagar District.



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5. The Accountant General (A&E),
Anna Salai,
Chennai – 18.

6. The District Elementary Educational Officer
(Regional Audit Department),
The District Elementary Educational Office,
Madurai.

(R6 is *suo motu* impleaded as per order dated 23.01.2025
in W.P.(MD)No.31056 of 2024 by R.V.J.)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 3rd and 4th Respondents to forward the pension proposal of the petitioner to the office of the 5th Respondent without reference to the Audit Objection and consequently to direct the 5th Respondent to disburse the retirement benefits of the Petitioner.

For Petitioner	: Mr.H.Mohammed Imran for M/s.Ajmal Associates
For R1 to R4 & R6	: Mr.N.Satheesh Kumar Additional Government Pleader
For R5	: S.Mahalakshmi

ORDER

The present writ petition has been filed by the Headmaster of Kariapatti Panchayat Union Middle School, seeking a mandamus to direct the respondents 3 and 4 to forward the pension proposal of the writ petitioner to the office of the 5th respondent without reference to the audit objection and to further direct the 5th respondent to disburse the retirement benefits of the writ petitioner.



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2. The petitioner is about to attain superannuation on 28.02.2025.

Certain audit objections have been raised in the year 2016 and an order of recovery has been passed by the 4th respondent on 22.08.2016, directing the writ petitioner to repay the excess amount that was paid to him. The petitioner has given a representation to the 4th respondent on several occasions pointing out that the audit objections are not sustainable.

3. The objections given by the petitioner to the 4th respondent have been forwarded by the 4th respondent to the 6th respondent on 02.01.2018. Though the 6th respondent has received the objections of the writ petitioner relating to the audit objection, so far orders have not been passed by the 6th respondent either sustaining the objection or raising the objection.

4. In the said circumstances, the petitioner apprehends that his pension proposals may not be forwarded due to the pendency of the audit objection. Hence, the present writ petition.



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5. When the audit objection are yet to be cleared, question of issuing a mandamus to the respondents 3 and 4 to forward the pension proposals without reference to audit objections is not sustainable. However, the 6th respondent, having received the objection from the writ petitioner through the 4th respondent ought to have considered the said objection of the writ petitioner and passed orders.

6. The 6th respondent is directed to consider the objection raised by the writ petitioner relating to the audit objection which was forwarded by the 4th respondent to the 6th respondent on 02.01.2018 and pass orders either sustaining the audit objection or raising the audit objection. The said exercise shall be completed within a period of eight (8) weeks form the date of receipt of a copy of this order. The writ petition stands disposed of with the above observations and directions. No costs.

23.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

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