IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.1854 of 2026
and
W.M.P. Nos.1943, 1945 and 1946 of 2026

P.Ragunathan Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai- 600 009.

2.The Director of Elementary Education
College Road, Chennai-600 006.

3. The District Education Officer
(Elementary)
District Education Office, Salem.

4.The Block Educational Officer
Athur, Salem district.

5.The Financial Advisor and Principal
Accounts Officer
Tamilnadu School Education, DPI Campus,
College Road, Chennai-600 006.

6. The Accountant General / (A & E)
Office of the Principal Accountant General,
Anna Salai,
Teynampet, Chennai-600 018. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent vide proceedings Na.Ka. No.1698/ A1/ 2023 dated 05.12.2023 quash the same, and direct the respondents to restore the pay without any reduction or recovery and to reimburse any withheld of recovered amount and to grant all other consequential benefits to the petitioner within a limited time frame.

For Petitioner : Mr.P. Murali

For Respondents : Ms. Mythreye Chandru
Spl. Govt. Pleader for R1 to R5
Mr.T. Ravikumar for R6

ORDER

This writ petition has been filed to call for the records on the file of the 4th respondent vide proceedings Na.Ka. No.1698/ A1/ 2023 dated 05.12.2023 and quash the same, and direct the respondents to restore the pay without any reduction or recovery and to reimburse any withheld of recovered amount and to grant all other consequential benefits to the petitioner within a limited time frame.

2. Brief facts :-

a. The petitioner was initially appointed as a Secondary Grade Teacher in Athur Panchayat Union Elementary School on 03.01.1990. Thereafter, he was promoted as Headmaster, Elementary School, Koolamedu in the year 2009. While serving as Headmaster, permission was accorded to him to undergo B.Ed. course by availing study leave for the period from 16.10.2009 to 02.06.2010, vide proceedings of the 3rd respondent in Na.Ka.No.7470/A3/2009 dated 25.09.2009.

b. On completion of the examination on 02.06.2010, he submitted a representation seeking permission to rejoin duty. Accordingly, the District Elementary Educational Officer, Salem, vide proceedings dated 01.06.2010, permitted the petitioner to rejoin duty and the Assistant Elementary Educational Officer, Athur, recorded the petitioner's joining on 03.06.2010.

c. It is further averred that the petitioner was retired from service on 31.07.2025, on attaining the age of superannuation. However, the terminal benefits were not settled to him on the ground that there existed an audit objection relating to non-regularisation of the study leave period and alleged continuation of higher education beyond 02.06.2010, as mentioned in the impugned proceedings dated 05.12.2023. Challenging the said proceedings dated 05.12.2023, this writ petition has been filed.

3. Learned counsel for the petitioner submitted that the duty to regularise the leave period was cast upon the respondents and the petitioner cannot be

penalised for the inaction of the authorities. The alleged non-regularisation was never communicated during service and was raised only at the time of retirement. He vehemently argued that withholding the entire terminal benefits is arbitrary and unsustainable, even assuming that there exists an audit objection. At the most, the respondents may withhold the amount relatable to the disputed leave period and permit the petitioner to work out the issue of regularisation in the manner known to law. In view of the above, he prayed for appropriate directions by this Court.

4. Learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the terminal benefits were withheld due to audit objection arising out of non-regularisation of leave and excess payment. She further submitted that the respondents are willing to settle the terminal benefits after withholding the amount, if any, due from the petitioner, subject to clearance of audit objection. Therefore, this Court may issue suitable directions in this regard.

5. This Court has carefully considered the rival submissions and perused the materials placed on record.

6. It is well settled that entire terminal benefits cannot be withheld indefinitely on the ground of audit objection, particularly when the employee has already retired from service. If there is any dispute relating to regularisation of leave or recovery of excess amount, the same has to be worked out independently in accordance with law. In the case on hand, the audit objection pertains only to the regularisation of the study leave period. Therefore, withholding the terminal benefits in toto is unsustainable. However, without quashing the impugned order dated 05.12.2023, this Court is inclined to issue certain directions and the same are as follows :-

> i) The 4th respondent shall forward the necessary proposal relating to settlement of terminal benefits of the petitioner, after identifying the disputed amount to the respondents 5 and 6, within a period of two weeks from the date of receipt of a copy of this order.
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> ii) On receipt of such proposal, the competent authority shall accord necessary approval and communicate the same to the respondents, within a period of three weeks thereafter.
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> iii) Upon receipt of approval, the respondents shall settle the petitioner's terminal benefits, after withholding only the

disputed amount relating to the audit objection, within a further period of four weeks.

iv) It is made clear that the petitioner is at liberty to work out the issue of regularisation of leave and audit objection independently in the manner known to law.

7. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

23.01.2026

Index : Yes / No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To
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