



WEB COPY



W.A.No.3801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE C. SARAVANAN

W.A.No.3801 of 2024

1. The Joint Director of School Education (Establishment)
Chennai – 600 006.
 2. The Chief Educational Officer
Erode, Erode District.
 3. The District Educational Officer
Gopichettipalayam, Erode District.
 4. The Headmaster
Government Higher Secondary School
A.Puthupalayam, Bhavani Taluk
Erode District.
- .. Appellants

Vs.

1. A.Selvi
 2. A.Manikandan
 3. A.Boobathi
 4. The Tahsildar
Bhavani, Erode District.
- .. Respondents

Prayer: Appeal filed under Section 15 of the Letters Patent, against the order in W.P.No.4637 of 2023 dated 20.06.2023.

For the Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For the Respondents : Mr.M.Gnanasekar
for R1 to R3



W.A.No.3801 of 2024

WEB COPY

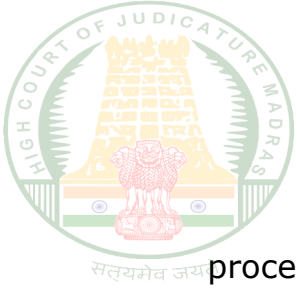
JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 20.06.2023 made in W.P.No.4637 of 2023.

2.1. One *Thiru. Ammasai* was working as an employee at the fourth appellant School, namely the Government Higher Secondary School, A.Puthupalayam, Bhavani Taluk, Erode District. He died in harness on 29.01.2021, leaving behind the legal heirs, that is his wife and three children, who are the respondents 1 to 3 herein. Out of the legal heirs of the deceased employee, the wife and two sons joined together and filed a writ petition, seeking retiral benefits of the deceased employee.

2.2. The said writ petition was pending and to verify the veracity of the legal heir certificate of the writ petitioners, issued by the concerned Tahsildar dated 04.07.2021, the same was referred to the Revenue Divisional Officer (RDO), Gopichettipalayam, for enquiry and to file a report. Pursuant to the same, the RDO conducted a detailed enquiry and filed his report vide his

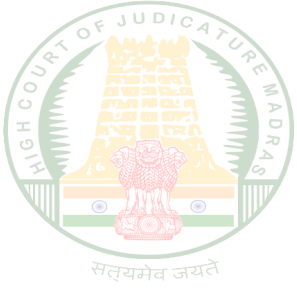


W.A.No.3801 of 2024

WEB COPY

proceedings dated 15.06.2023, whereby, he has stated the following:-

“மேற்படி விசாரணை மற்றும் ஆவணங்களின் மூலம் காலஞ்சென்ற அம்மாசை என்பவருக்கு கண்ணம்மாள் என்பவர் முதல் மனைவி என்பதும், கண்ணம்மாளுக்கு குாந்தைகள் இல்லை என்பதும் கண்ணம்மாளின் தங்கையான செல்வியை இரண்டாவது திருமணம் கண்ணம்மாளை முன்னின்று நடத்தியுள்ளார் என்பதும், அம்மாசை, செல்வி தம்பதியர்க்கு மணிகண்டன், பூபதி, சூகாபிநாத் (இறப்பு) என மூன்று ஆண் வாரிசுகள் பிறந்துள்ளனர் என்பதும் விசாரணையின் மூலம் தெரியவருகிறது. முதல் மனைவி கண்ணம்மாள் அம்மாசை இறப்பிற்கு முன்னே இறந்துவிட்டதாலும், கண்ணம்மாளுக்கு குழந்தைகள் இல்லாத காரணத்தினாலும், காலஞ்சென்ற அம்மாசைக்கு வாரிசுகள் என மனைவி செல்வி, மகன்கள் மணிகண்டன், பூபதி ஆகிய மூன்றுபேர் மட்டும் வாரிசுகள் ஆவர். எனவே பவானி வட்டாட்சியர் அலுவலகத்தில் காலஞ்சென்ற அம்மாசை



WEB COPY



W.A.No.3801 of 2024

என்பவருக்கு வழங்கப்பட்ட TN:7202106163182,

நாள்:04.07.2021 வாரிசு சான்றானது

மெய்யானது என விசாரணையின் அடிப்படையில்

தெரியவருகிறது. ஆகையால் காலஞ்சென்ற

அம்மாசைக்கு வாரிசுகள் என மனைவி செல்வீ,

மணிகண்டன (மகன்), பூபதி (மகன்) ஆகிய மூன்று

நபர்கள் மட்டும் வாரிசுகள் என ஊர்ஜிதம் செய்து

உத்தரவிடப்படுகிறது."

2.3. The report of the RDO has been taken into account by the Writ Court and the learned Single Judge has allowed the said writ petition through the order dated 20.06.2023, which is impugned herein.

3. The first respondent is the second wife of the deceased employee. During the lifetime of the deceased employee, the first wife died, who is none other than the sister of the first respondent herein/second wife and thereafter, the deceased employee, through the first respondent, has given birth to three children, including the second and third respondents herein.

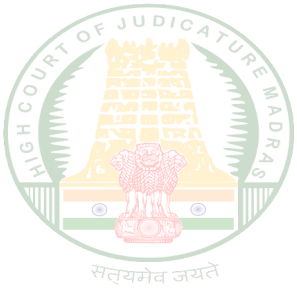


W.A.No.3801 of 2024

WEB COPY

4. In view of the said position, the legal heir certificate issued by the Tahsildar, having been considered and an enquiry was conducted, based on which the said findings of the RDO has been given, which is in support of the legal heirs of the deceased employee, the learned Writ Court, having considered all these aspects, including the RDO report, was pleased to give such directions to the appellants herein to release the DCRG and terminal benefits to the writ petitioners within a time frame.

5. The reasoning given and the conclusion arrived at by the learned Single Judge by giving such directions through the impugned order, in our considered opinion, should be sustained as it does not warrant any interference. The reason being that, when the legal-heir certificate has been found to be genuine and a detailed report has been given by the RDO about the legal-heirship of respondents 1 to 3, there could be no further impediment for releasing the DCRG and the other benefits, payable to the legal-heirs of the deceased employee. Therefore, there is every justification on the part of the learned Single Judge to issue such directions, as has been given through the impugned order.



W.A.No.3801 of 2024

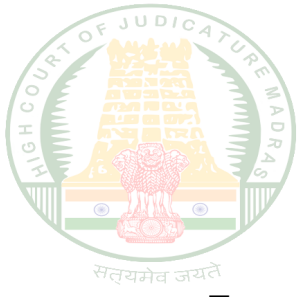
WEB COPY

6. Resultantly, we do not wish to interfere with the impugned order and the writ appeal fails and accordingly, stands dismissed. The compliance of the order shall be made by the appellant Department within a period of two months from the date of receipt of a copy of this order. Till such time, no coercive steps shall be undertaken by the writ petitioners/respondents 1 to 3 against the appellant Department. There shall be no order as to costs. Consequently, C.M.P.No.29902 of 2024 is closed.

(R.S.K., J.) (C.S.N, J)
10.01.2025

Neutral Citation:Yes/No

drm



W.A.No.3801 of 2024

WEB COPY

To:

1. The Tahsildar
Bhavani, Erode District.



WEB COPY



W.A.No.3801 of 2024

R. SURESH KUMAR, J.
AND
C. SARAVANAN, J.
(drm)

W.A.No.3801 of 2024

10.01.2025