

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.NO.12518 OF 2015

AND

M.P.NO.1 OF 2015

D.Rajeswari

... Petitioner

Versus

- 1.The Secretary to Government
School Education Department
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education
Higher Secondary College Road,
Nungambakkam,
Chennai - 600 006.
- 3.The District Educational Officer
Krishnagiri Taluk,
Krishnagiri District.
- 4.The Assistant Elementary Educational Officer
Kaveripattinam - 635 112.
Krishnagiri District.
- 5.The Headmaster
Government High School
Pavakkal - 635 307.
Krishnagiri District.
- 6.The Headmaster
Government High School
Ikundam,
Ikundam Kothapalli Post - 635 203.
Krishnagiri District.
- 7.The Headmaster
Government Higher Secondary School
Oppathavadi - 635 104.
Krishnagiri District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to sanction and pay all retirement benefits viz., pension arrears, commuted value of pension, leave salary, GPF, etc., with interest to the petitioner.

For Petitioner : Mr.M.Elango

For Respondents: Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard both sides. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner's brother worked as a Junior Assistant in the sixth respondent school. He was not married. After rendering 20 years of service, he died on 03.03.2011 due to illness leaving the petitioner alone as his legal heir. The petitioner's father and the mother pre-deceased his brother. That is, the father of the petitioner died on 11.07.1988 and her mother died on 17.03.2003. According to the petitioner, her sister also died on 26.01.2001. Thus, the petitioner made a representation dated 03.03.2015 to the respondents 1 to 5 seeking to sanction and pay all terminal benefits payable to his deceased brother. The petitioner has enclosed the legal heir certificate issued by the Tahsildar, Pochampalli, in support of her claim.

3.The petitioner has filed the present writ petition seeking direction to the respondents to sanction and pay all retirement benefits viz., pension arrears, commuted value of pension, leave salary, GPF, etc., with interest to the petitioner.

4.As far as pension and commuted value of pension is concerned, I am of the view that the petitioner cannot make a claim. However, she is entitled to other terminal benefits, such as DCRG, GPF, Leave Salary and SPF, for which she has to establish that she is the only legal heir of the deceased Government servant by approaching a competent Civil Court and she has to get either a declaration from the competent Civil Court or a succession certificate in the Court of Law. Without such an order from the competent Civil Court, the Department would not be in a position to disburse the amount payable due to the death of her brother.

5. Accordingly, the writ petition is disposed of directing the petitioner to approach the competent Civil Court and get an appropriate order and thereafter, approach the authorities with a request to pay the terminal benefits payable due to the death of her brother. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK
To

1. The Secretary to Government
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Krishnagiri District.

+ 1 cc to Mr.M.Elango, Advocate SR.23118
+ 1 cc Government Pleader Sr.23320

KJI (CO)
EU 20.05.2015

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