

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25183 of 2015

Mrs.KalviKarasi

...Petitioner

vs.

- 1 The Secretary to Government
School Education Department Fort St. George
Chennai-9
- 2 The Director of Elementary
Education Collage Road Chennai-06.
- 3 The District Educational
Officer Elementary Education Vellore-09.
- 4 The Principal Accountant
General (A&E) No 281
Anna Salai Chennai-18.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to pass orders on the representation made by the petitioner dated 15.08.2014 for the purpose for non payment of the 8% interest for the belated payment of the DCRG in light of the proposal sent by the 4th respondents dt. 24/07/2014 and grant such other further relief as this Honourable Court.

For Petitioner : Mr.A.Tamilrajan
For Respondents : Mr.V.Subbiah for R1 to R3
Special Government Pleader
Mr.V.Vijayashankar for R4

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner is the wife of deceased T.Sivaraman who was working as Assistant Educational Officer and at the time of his demise, was working in that capacity at K.V.Kuppam and he died on 26.06.1996. At the time of his demise, the son and daughter of the petitioner were minors and as such the petitioner along with son and daughter are entitled to succeed to the estate of the deceased person. It is submitted that in respect of employment benefits one Tmt.Hemamalini claim to be his wife and she along with her five children filed O.P.No.5 of 1996 before the learned Subordinate Judge, Ranipet praying for succession certificate and the case has ended in the compromise and as per the compromise, the third respondent ordered family pension to Tmt.Hemamalini and her children and however, in respect of the benefits payable to the petitioner and her children, no steps are taken and in this regard, petitioner filed O.A.No.6102 of 1999 before the Tamil Nadu Administrative Tribunal and on abolition of the Tribunal, was transferred to this Court and re-numbered as W.P.No.38541 of 2006 and this Court vide order dated 30.04.2010, allowed the writ petition and directed the respondents to disburse the amount payable to the petitioner as per the award passed in Succession O.P.No.5 of 1996 dated 16.04.1997 on the file of lok Adalat, Sub Court, Ranipet within three months from the date of receipt of that order with interest at the rate of 8% per annum.

3.The grievance expressed by the petitioner is that the amount payable to the petitioner and the interest amount is yet to be settled and in this regard, submitted a representation dated 15.08.2014 to the respondents and since no orders are forthcoming, came forward to file this writ petition.

4.The learned counsel appearing for the petitioner would submit that necessary proposals have also been forwarded by the respondents 3 and 4 to the second respondent and inspite of it, no orders have been passed by the second respondent and hence, prays for appropriate orders.

5.Heard the submissions of Mr.A.Tamilrajan, learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 3 and Mr.V.Vijayashankar, learned counsel who accepts notice on behalf of the fourth respondent.

6.This Court while allowing the writ petition in W.P.No.38541 of 2006 also made an observation that "This is an unfortunate case where the Government Servant or officer of the Government, directs the family of deceased Government servant from pillar to post for getting their family benefit on the death of the Government servant." However, after the orders passed in the above said writ petition, the amount due and payable has been settled to the petitioner and for the order makes it very clear, the petitioner is also entitled to interest at 8% per annum and inspite of the proposals submitted by the respondents 3 and 4, the second respondent did not care to pass any orders for the reasons best known to him.

7.This Court taking into consideration the above facts and circumstances of the case directs the second respondent to act on the proposal sent by the respondents 3 and 4 as well as the representation submitted by the petitioner on 15.08.2014 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order, failing which, this Court will be constrained to direct the second respondent to pay the interest out of his pocket.

8.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

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4 The Principal Accountant
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Anna Salai Chennai-18.

1 CC to Mr.A.Tamilrajan, Advocate SR.No. 42845

1 CC to the Government Pleader, SR.No. 43553

RJ (CO)
PSI (26.08.2015)

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