

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3655 of 2017

Muniamma

.. Petitioner

Vs

1. The District Educational Officer,
Krishnagiri, Royakottai Road,
Krishnagiri - 635 109

2. The Chief Educational Officer,
Dharmapuri

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to extend all the service benefits of death cum retirement gratuity, family pension, special provident fund and family benefit fund to the petitioner herein from 26.11.1997 and for consequential orders.

For Petitioner : Mr.V. Raghavachari

For Respondents : Mr.V. Anandamoorthy
Additional Government Pleader
(Edn.,)

ORDER

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

2. The petitioner claims that she is the first wife of late Venkatappa and while her husband was working as School Teacher in the service of Rajiv Gandhi Memorial School, Perandapalli, Hosur Taluk, he died in harness on 26.11.1997 and the petitioner made repeated attempts to get the death cum retiral benefits but so far no amount was paid. The petitioner would further submit that one Ragupathy and two minor children represented by Sanjeevammal filed O.S.No.70/1998 on the file of the District Munsif, Hosur praying for the relief of declaration, declaring that they are entitled for terminal/ retirement benefits of late Venkatappa along with defendants 1 to 5 therein and the petitioner herein was arrayed as the 1st defendant therein. The said suit was

dismissed for default on 08.11.2006 and the plaintiffs filed I.A.No.697/2007 to condone the delay of 269 days in filing the petition to set aside the dismissal of the suit and it was also dismissed on 18.06.2008 and no further challenge has been made to the said order and it has become final. The Office of the Accountant General (Accounts and Entitlement) Tamilnadu, has sent a communication dated 06.09.2010 calling upon the petitioner to give certain particulars vide communication dated 15.12.2016 requesting the petitioner to furnish the PPOMO allotted by the office as well as a copy of the letter addressed to the office so as to enable them to take further action.

3. Learned counsel for the petitioner would submit that though the petitioner has responded to the said communication, so far no orders have been passed. He would further submit that though the petitioner is entitled to receive the retirement/terminal benefits, the said benefits have not been conferred for quite a long time. Therefore, the petitioner is constrained to file this writ petition.

5. Per contra, Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondent would submit that the Accountant General (Accounts and Entitlement) Tamilnadu, has not been arrayed as the respondent and the remedy open to the petitioner is to approach the said official/office for redressal of her grievance and prays for dismissal of this writ petition.

6. This Court has considered the rival submission and also perused the typed set of papers.

7. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances of the case and without going merits of the claim projected by the petitioner, permits the petitioner to submit her response to the communication dated 15.12.2016 within a period of four weeks from the date of receipt of a copy of this order and on receipt of the said reply, if the papers are otherwise in order, the Accountant General (Accounts and Entitlement) Tamilnadu, is directed to consider the same on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

<https://hcservices.ecourts.gov.in/hcservices/>

To

1. The District Educational Officer,
Krishnagiri
Royakottai Road,
Krishnagiri - 635 109

2. The Chief Educational Officer,
Dharmapuri.

3.OFFICE OF THE PRINCIPAL ACCOUNTANT GENERAL
(ACCOUNTS AND ENTITLEMENT)TAMILNADU,
NO.361 ANNASALAI, CHENNAI-600 018.

+1 CC to Mr.B.Satish Sundar, Advocate Sr.No.37829

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SS (CO)
RRI (02.03.2017)



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