

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

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THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.38356 of 2004

and

M.P.No.45894 of 2004

1.S.N.Balaji Suriya Kumar

2.N.Prasannakumar

... Petitioners

Vs.

1.The Government of Tamil Nadu,
represented by the Secretary to Government,
Director of School Education,
Fort St.George, Chennai - 600 009.

2.The Correspondent,
Shyamala Girls Higher Secondary School,
South Pidari Street,
Sirkazhi.

3.The Director of School Education,
Chennai.

4.The District Collector,
Nagapattinam District,
Nagapattinam.

5.The District Educational Officer,
Mayiladuthurai.

6.The Chief Educational Officer,
Nagapattinam.

7.The Senior Accounts Officer,
Office of the Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to disburse the Provident Fund, Gratuity and all other death benefits of late Sampath Kumari to the petitioners with interest immediately.

For Petitioner : No Appearance
For Respondents : Mr.K.Venkatramani
Additional Advocate General
Assisting by Mrs.M.E.Rani Selvam
Additional Government Pleader
for R1, R3 to R6

ORDER

The writ petition has been filed by the petitioner seeking for issuance of a writ of Mandamus to disburse the Provident Fund, Gratuity and all other death benefits of late Sampath Kumari to the petitioners with interest immediately.

2. The learned Additional Advocate General appearing for the Respondents represented that the Original Suit in O.S.No.259 of 1997 dated 24.12.1999 has been filed by minor sons of the deceased viz., Sampath Kumari to direct the authorities to pay the pension benefits to the minors. But there is no provision for payment of the pensionary benefits to the minors. Therefore, the authorities sent a proposal to the Government for clarification. The Office of the Principal Accountant General (Accounts and Entitlements) sent a letter to the District Educational Officer to obtain orders from the Court to disburse the Pensionary Benefits.

3. The learned Additional Advocate General also states that the question of payment of Pension to the legal heirs of the deceased attaining majority with regard to their Date of Birth Certificates. Therefore, seeks time to settle the matter after obtaining proper clarification from the Government within a period of three weeks from the date of receipt of a copy of this order. Therefore, the respondents 5 and 6 is directed to follow the matter with the Government and get the particulars under the clarifications and disburse the said Pension Benefits to the minor petitioners. The petitioners are directed to appear before the respondents 5 and 6 with regard to the clarification of the pension benefits.

4. Accordingly, this Writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

5. Post the matter on 08.08.2017 "for reporting compliance".

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Director of School Education,
Fort St.George, Chennai - 600 009.
- 2.The Correspondent,
Shyamala Girls Higher Secondary School,
South Pidari Street,
Sirkazhi.
- 3.The Director of School Education,
Chennai.
- 4.The District Collector,
Nagapattinam District,
Nagapattinam.
- 5.The District Educational Officer,
Mayiladuthurai.
- 6.The Chief Educational Officer,
Nagapattinam.
- 7.The Senior Accounts Officer,
Office of the Principal Accountant General,
(Accounts and Entitlements),
Tamil Nadu, Chennai.

+1cc to the Government Pleader, S.R.No.50645

सत्यमेव जयते

W.P.No.38356 of 2004

CS IV
CA(03/08/2017)

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