



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14972 of 2014

P.Babians

.. Petitioner

Vs.

1. The Principal Accountant General (A & E),
Office of Accountant General,
No.261, Anna Salai Chennai-18.

2. The Chief Educational Officer,
Thirunelveli District,
Tirunelveli.

3. The District Educational Officer,
Cheranmahadevi Educational District ,
Cheranmahadevi,
Tirunelveli District.

4. The Headmaster,
Government Higher Secondary School,
Kavalkinaru,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to pay petitioner all the terminal benefits including family pension for the services of deceased Secondary Grade Teacher Mrs.Fabiola within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Murugesan
for R.M.Sivakumar

For Respondents : Mr.P.Gunasekaran
for R1
Mr.J.Gunaseelan Muthiah
Government Advocate
for R2 to R4

**ORDER**

The Prayer in the Writ Petition is for a Writ of Mandamus directing the respondents to pay the petitioner all the terminal benefits including the family pension for the services of the deceased Secondary Grade Teacher one Mrs. Fabiola (the daughter of the petitioner) within a time frame to be fixed by this Court.

2. The petitioner is the father of the deceased Government Teacher, who was appointed as Secondary Grade Teacher on 29.01.2002 at a Government Higher Secondary School in Erode District and after some years of service, finally when she was working at the fourth respondent school, she died on 15.04.2010. Before her death, her husband met with an accident and died on 25.02.2010. Therefore, the petitioner is the natural legal heir and the nominee of the deceased Teacher. Therefore, to get the terminal benefits of his daughter, the petitioner has been consistently requesting the respondents.

3. The representation of the petitioner dated 10.05.2014 in this regard submitted to the third respondent had in fact been forwarded to the fourth respondent on 30.06.2014. In the said forwarding letter, the third respondent had requested the fourth respondent to take necessary action with regard to the claim made by the petitioner. In spite of this request having been forwarded by the third respondent, the fourth respondent i.e. the Headmaster of the School, where the petitioner's daughter lastly worked, seems to have not acted upon and therefore the petitioner had approached this Court in 2014 with this Writ Petition with the aforesaid prayer.

4. Heard Both sides.

5. Mr. R. Murugesan, learned counsel appearing for the petitioner would submit that the petitioner's daughter as well as her husband died in the year 2010 itself and therefore, the terminal benefits as well as the consequential service benefits of the petitioner's daughter, should have been disbursed to the petitioner, who is the father and the legal heir of the deceased Teacher. However, for the past more than seven years, the same has not been considered and the request of the petitioner has been kept pending by the respondents. Therefore, the learned counsel would submit that the petitioner himself is an aged man, so if an early action is taken and the amount is disbursed to the petitioner, he would get the remaining for the service rendered by his lovable daughter, even before his life time. Therefore, the learned counsel for the petitioner would submit that a direction by way of writ of Mandamus may be issued in this regard by this Court.

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

6. Heard Mr. J. Gunaseelan Muthiah, learned Government Advocate appearing for the respondents 2 to 4 and he would submit that the



request made in this regard on 10.05.2014 to the third respondent had been forwarded with a direction to the fourth respondent to initiate immediate action on the request of the petitioner. In this regard the learned Government Advocate would submit that the service particulars along with the proposal, to disburse the death cum retirement benefits of the petitioner's daughter, have to be forwarded only by the Headmaster concerned of the school, where lastly the petitioner's daughter worked and only in that context such request had been made by the third respondent to the fourth respondent. However, the fourth respondent unfortunately has not acted upon so far. Therefore the learned Government Advocate would submit fairly that a direction may be given to the respondents especially to the third and fourth respondents to immediately look into the matter and do the needful within a shortest possible time.

7.This Court, after having considered the said submissions made by the respective counsel, is inclined to pass the following order:

(1)The petitioner's request, dated 10.05.2010 as forwarded by the third respondent to the fourth respondent vide his proceedings dated 13.06.2014, shall immediately be acted upon by the fourth respondent and the necessary proposals along with the service register of the petitioner's daughter, who worked lastly at the fourth respondent School, shall be sent by the fourth respondent to the third respondent within a period of one week from the date of a receipt of a copy of this order; and

(2)On receipt of such proposals and service particulars from the fourth respondent, the third respondent shall immediately act upon and disburse the eligible death-cum retirement benefits payable to the deceased daughter of the petitioner to and in favour of the petitioner, within a period of two weeks thereafter.

8.With these directions this Writ Petition is ordered.No costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Accountant General (A & E),
Office of the Principal Accountant General,
No.261, Anna Salai Chennai-18.



2. The Chief Educational Officer,
Thirunelveli District,
Tirunelveli.

3. The District Educational Officer,
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Cheranmahadevi,
Tirunelveli District.

4. The Headmaster,
Government Higher Secondary School,
Kavalkinaru,
Tirunelveli District.

+1cc to Mr. R.M.Sivakumar, Advocate Sr.No56102

+1cc to The Spl. Government Pleader Sr.No.56468

+1cc to Mr.P.Gunasekaran, Advocate Sr.No.56268

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