



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.456 of 2017

1.V.Nesan
2.V.Selvaraj
3.V.Titus
4.S.Mercy Ramani Bai
5.S.Daisy Florence
6.S.Christel Sobitham

.. Appellants/Petitioners

-vs-

1.The Secretary to Government,
Educational Department,
Secretariat, Chennai.

2.The Director of School Education,
College Road,
Nungampakkam,
Chennai.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai Educational District,
Marthandam, Vilavancode Taluk,
Kanyakumari District.

.. Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court in W.P.(MD)No.21348 of 2015, dated 01.12.2015.

Prayer in WP(MD). 21348/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS directing the Respondents to grant all benefits granted by this Honble Court in W.P(MD)No.5221 of 2013 dated 04.04.2013 in favour of the V. George Wilson to the petitioners who are his



For Appellants : Mr. S.Titus
For Respondents : Mr.V.Muruganantham
Additional Government Pleader

WEB COPY

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

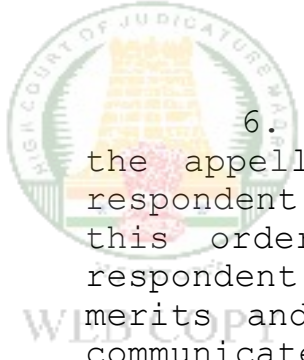
Heard the learned Counsel appearing for the appellants and the learned Additional Government Pleader who accepts notice for the respondents.

2. By consent, this Writ Appeal is taken up for final disposal at the admission stage itself.

3. The appellants are the legal heirs of one V.George Wilson, who was working as a sanitary worker in the Government Elementary School, having been appointed in the said post on 01.08.1983. It appears that the said V.George Wilson was unmarried and his mother also predeceased him. The appellants are his brothers and the daughters of his predeceased sister and based on the legal heir certificate issued by the Tahsildar, Vilavancode Taluk, dated 20.09.2013, the appellants claimed for the monetary benefit payable to Late V.George Wilson. In this regard, a representation was submitted to the respondents through their Counsel on 10.07.2013.

4. We note that in the said legal notice, the appellants would state that the said V.George Wilson was working for 25 years, but services were not regularised and they claimed that the benefit of G.O.Ms.No.22, dated 28.02.2006 has to be extended to him and based on which, the said V.George Wilson had filed a writ petition before this Court in W.P.(MD)No.5221 of 2013 for absorbing him in the time scale of pay and to regularise his services on completion of ten years. The said writ petition was disposed of by order dated 04.04.2013. The said V.George Wilson died on 18.06.2013 as mentioned in the legal heirship certificate.

5. In our view, if there is any monetary benefit payable to the deceased employee, then the legal heirs of the deceased employee are entitled to claim the same and in this regard, a legal notice was sent to the Authorities and since the same was not considered, the appellants/Writ Petitioners have filed the writ petition. Considering the above factual circumstances, we are of the view that the fourth respondent should take decision on the appellants' claim. However, we are not inclined to issue a direction to the fourth respondent to pass an order on the legal notice dated 10.07.2013 and hence, a direction is issued to the appellant to give a fresh representation to the fourth respondent.



6. Accordingly, the Writ Appeal is disposed of by directing the appellants to submit a fresh representation to the fourth respondent enclosing all relevant documents including a copy of this order and on receipt of the representation, the fourth respondent shall consider the claim made by the appellants on merits and in accordance with law and pass speaking order and communicate the same to the appellants within a period of eight weeks from the date of receipt of the representation. No costs.

Sd/-

ASSISTANT REGISTRAR(writs)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

- 1.The Secretary to Government,
Educational Department,
Secretariat, Chennai.
- 2.The Director of School Education,
College Road,
Nungampakkam,
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- 3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai Educational District,
Marthandam, Vilavancode Taluk,
Kanyakumari District.

+1 cc to Mr.S.Titus,Advocate,Sr No.54129

SSL/MRN

MAS/JC:05.05.2017:3P-6C

W.A. (MD) No.456 of 2017
25.04.2017