



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.15960 of 2018

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S.Seethalakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary,
Department of School Education,
Secretariat, Fort St. George,
Chennai.

2.The Project Officer,
Sarva Siksha Abiyan,
DPI Campus, College Road,
Suba Road Avenue,
Nungambakkam, Chennai - 6.

3.The Chief Education Officer,
(Sarva Siksha Abiyan),
Ettayapuram Road,
Tuticorin.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the all terminal benefits of her daughter Rajini to the petitioner.

For Petitioner : Mr.A.Raja

For Respondents : Mrs.S.Srimathy, Spl.G.P.

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to disburse all terminal benefits of her daughter Rajini to the petitioner.

2.Heard Mr.A.Raja, learned counsel appearing for the petitioner and Mrs.Srimathy, learned Special Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that, the petitioner's daughter was selected and appointed as Assistant in the respondent department in the year 2006 and had been working for some years and she got promoted as Supervisor and has been working as such and on 02.05.2016, she became ill and died. Even prior to that, she had divorced her husband on 06.04.2011 itself. Therefore, as a divorcee, she had been working for all these years and died in 2016. However, in the service register of



the daughter of the petitioner, the name of the erstwhile husband was shown as nominee No.1 and the petitioner being the mother of the deceased has been shown as nominee No.2. Even though, the petitioner's daughter got divorced on 06.04.2011, in the nominee column, the name of the erstwhile husband has not been removed.

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4.Subsequently, the petitioner's husband also died on 06.04.2017 and the second daughter of the petitioner also died in a railway accident on 08.04.2018. Therefore, the petitioner has become virtually without any support and is struggling for her life. Therefore, to get the retiral cum death benefits, including the gratuity of the petitioner's daughter one Rajini, who died in the year 2016, the petitioner has given a representation on 13.07.2018 and if the said representation is directed to be considered and an order to that effect is directed to be passed, within a time frame, by the respondents, the petitioner would be satisfied.

5.I have heard Mrs.Srimathy, learned Special Government Pleader appearing for the respondents, who would submit that the representation of the petitioner dated 13.07.2018 would be considered on merits and an order to that effect would be passed, within a time frame.

6.Considering the submissions made by both sides and taking into account the factual situation of the case, this Court is inclined to pass the following order:

"The respondents are directed to consider the representation of the petitioner dated 13.07.2018 with regard to the death cum retirement benefits payable to the petitioner's daughter and decide the same on merits and in accordance with law and pass orders thereon, within a period of six weeks from the date of receipt of copy of this order."

7.With the above direction, this writ petition is disposed of. No costs.

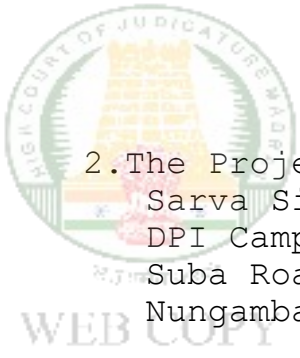
Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Secretariat, Fort St. George,
Chennai.



2.The Project Officer,
Sarva Siksha Abiyan,
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3.The Chief Education Officer,
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+1CC to Mr.A.RAJA, Advocate, SR.No.74918

+1CC to the Special Government Pleader SR.No.74574

W.P (MD) No.15960 of 2018
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