



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.1216 of 2018

M.Lakshmi Ammal

...Petitioner

Vs.

1.The Commissioner,
Directorate of Technical Education,
Guindy, Chennai-600 025.

2.The Principal,
Tamil Nadu Polytechnic,
T.P.K.Road,
Madurai-625 011.

3.The Accountant General (A & E),
No.361, Anna Salai,
Teynampet,
Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to disburse the terminal benefits in respect of the deceased son of the petitioner viz 1/3rd share of DCRG amount, Family Pension, Family Security Fund, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Unearned on Private Affairs at the credit of petitioner's deceased son on the date of death along with interest at 18% per annum from 30.06.1999 (i.e.) the date of death of petitioner's son and to till date of settlement of the above said benefits to the petitioner within a time limit to be fixed by this Court.

For Petitioner	: Mr.S.Karthick Subramanian
For Respondents	: Mr.K.Saravanan
1 and 2	Government Advocate
For Respondent No.3	: Mr.P.Gunasekaran

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.



3.The petitioner is the mother of one Manoharan, who was working in Tamil Nadu Polytechnic College, Madurai. He passed away on 30.06.1999. The petitioner's son is survived by the petitioner as well as his wife and his children. With regard to sharing of the retiral terminal benefits of the said Manoharan, S.O.P.No.24 of 2000, was filed before the Principal Sub Court, Madurai. It was ordered therein that the petitioner, the mother would be entitled to 1/3rd share. This was reiterated by order dated 14.02.2017 made in W.P.(MD).No.1426 of 2017. In this view of the matter, the respondents are directed to disburse the 1/3rd share payable to the petitioner herein.

4.Mr.P.Gunasekaran, learned counsel, appearing for the third respondent informed this Court as per the rule, the position is otherwise. It is seen that as per the pension rules, it is only the wife and children who are entitled to the benefits and that the mother stands excluded.

5.This Court is of the view that in the facts and circumstances of this case, the respondents can be directed to pay 1/3rd share of DCRG amount and other benefits to the petitioner herein. The said order is passed in view of the order dated 12.08.2005 in S.O.P.No.24 of 2000 and the order made in W.P.(MD).No.1426 of 2017. It is made clear that the direction given in this Case cannot be cited as a precedent.

6.With this clarification, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Commissioner,
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Guindy, Chennai-600 025.

2.The Principal,
Tamil Nadu Polytechnic,
T.P.K.Road, Madurai-625 011.

3.The Accountant General(A & E),
No.361, Anna Salai,
Teynampet, Chennai-600 006.

+One cc to M/s.P.Gunasekaran, Advocate, SR.No.48174

tsg

RL/5C/2P/JC//SAR1/27/3/2018

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