



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.9445 of 2018

J.Kalaiselvi

... Petitioner

Vs.

1. The State Accountant General,
Office of Accountant General,
No.261, Anna Salai,
Chennai.
2. The District Elementary Education Officer,
Office of the District Elementary Education,
Palani Road, Dindigul.
3. The Assistant Elementary Education Authority,
Office of the Assistant Elementary Education,
Thuraikamalam Boys Higher Secondary
School Campus, Natham,
Dindigul District.
4. The Headmaster,
R.C.Sirumalar Elementary School,
Natham, Dindigul District.
5. The Correspondent,
R.C.Sirumalar Elementary School,
Natham, Dindigul District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 03.03.2018 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Siddharthan

For Respondents : Mr.P.Gunasekaran, R1
Mr.D.Muruganantham, AGP
for RR2 and 3

**ORDER**

The prayer sought for herein is for a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 03.03.2018 within the time that may be stipulated by this Court.

2. Heard Mr.M.Siddharthan, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the first respondent and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 2 and 3. Since no adverse order is going to be passed against the respondents 4 and 5, notice to them are dispensed with.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the second wife of one James, who was working in the respondent department as Secondary Grade Teacher and died on 13.11.2017. Therefore, the death cum retirement benefits of the deceased employee shall be disbursed equally to both wives and their children. The petitioner even though a second wife of the deceased employee, she is having a son and therefore, as per law, they are also entitled to claim their share in the death cum retirement benefits of the employee and in this regard, the petitioner has made a representation to the respondents on 03.03.2018 and therefore, the learned counsel would submit that the said representation is directed to be passed and an order to that effect is passed, the petitioner would be satisfied.

4. The learned Additional Government Pleader appearing for the respondents 2 and 3 would submit that since the first wife also there, after hearing both the first wife as well as the petitioner and other legal heirs, decision can be taken with regard to the disbursement of the death cum retirement benefits of the employee deceased.

5. Mr.P.Gunasekaran, learned standing counsel appearing for the first respondent would also make the same submission as all the legal heirs are entitled to, including the son of the second wife and the same can be decided after hearing of both wives.

6. In view of the said submission made by both sides, this writ petition is disposed of with the following direction:

"The second respondent is directed to consider the request of the petitioner after affording an opportunity to both the petitioner and his son as well as the first wife of the deceased employee and other legal heirs and decide the request of the petitioner



on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order and thereafter as per the order to be passed by the second respondent, the first respondent shall act upon."

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

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The Accountant General,
Office of Accountant General,
No.261, Anna Salai,
Chennai.
2. The District Elementary Education Officer,
Office of the District Elementary Education,
Palani Road, Dindigul.
3. The Assistant Elementary Education Authority,
Office of the Assistant Elementary Education,
Thuraikamalam Boys Higher Secondary
School Campus, Natham,
Dindigul District.

+1cc to Mr.M.Siddharthan, Advocate in Sr.No. 63667
+1cc to Mr.P.Gunasekaran, Advocate in Sr.No. 63578
+1cc to The Special Government Pleader in Sr.No. 64239

ARUL

AE/SV MMS/SAR1/3P/7C/18/05/2018

W.P(MD) No. 9445 of 2018
26.04.2018



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