

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.PARTHIBAN****W.P. (MD) No.18469 of 2018****WEB COPY**

T.Surya

... Petitioner

vs.

1. The Chief Educational Officer
O/o.the Chief Educational Officer
Ramanathapuram District
2. The District Educational Officer
O/o.the District Educational Officer
Ramanathapuram
Ramanathapuram District
3. The Headmaster
Government High School
Devipattinam
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to disburse the monetary benefits of the petitioner's husband such as contributory pension, provident fund, special provident fund, encashment of earned leave and other consequential benefits to the petitioner within a stipulated time.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The husband of the petitioner was working as B.T.Assistant in the third respondent - School from 01.06.2006 and he had successfully completed his probation during 2008. The petitioner got married to the deceased husband on 09.02.2017, after the dissolution of his first marriage. Thereafter, the petitioner's husband met with an accident and died on 22.01.2018. According to the petitioner, on the death of her husband, she is entitled to certain monetary benefits, such as, contributory pension, provident fund, special provident fund and encashment of earned leave etc., from the respondents.

2. It appears that the petitioner has submitted a representation to the respondents on 19.02.2018 in this regard claiming the above monetary benefits as she being the legal heir of her deceased husband. In this connection, a legal heirship



certificate has also been produced. The second respondent, on receipt of the representation, has also forwarded the same to the third respondent to take appropriate action. However, till date no action has been forthcoming from the third respondent. Therefore, the petitioner is before this Court seeking for issuance of a writ of mandamus.

3. Mrs.S.Srimathy, learned Special Government Pleader, takes notice for the respondents.

4. Since the prayer sought in this writ petition is limited in scope, the present writ petition is disposed of at the admission stage itself with the following directions:

- i. The respondents are directed to pass appropriate orders on the representation submitted by the petitioner on 19.02.2018 towards the grant of monetary benefits as admissible to her deceased husband / employee, on merits and in accordance with law.
- ii. Such an exercise shall be completed by the respondents within a period of four weeks from the date of receipt of a copy of this order.
- iii. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Ramanathapuram District.
2. The District Educational Officer,
O/o.The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.
3. The Headmaster,
Government High School,
Devipattinam,
Ramanathapuram District.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.80199

+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.80284

Krk

MK/RP/SAR 1/07.09.2018/2P/6C