

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.27735 of 2008 and
M.P.No.1 of 2008

P.Padmavathiammal

...Petitioner

Versus

1. The Director of School Education,
Education Department,
Puducherry.

2. The Headmaster,
Valluvar High School,
Solai Nagar,
Puducherry-605 003.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the full salary to the petitioner till her retirement and to pay the retirement benefit and pensionary benefit on the basis of her full salary.

For Petitioner : Mr.V.Ajayakumar
For Respondents : Mr.R.Syed Mustafa,
Spl. Govt. Pleader (Pondy)

O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to pay the full salary to the petitioner till her retirement and to pay the retirement benefit and pensionary benefit on the basis of her full salary.

2. When the matter came up for hearing today, the learned Special Government Pleader (Pondicherry) submitted that the prayer in the writ petition has become infructuous, since while in service as a teacher in a Private School, the petitioner died on 11.10.2013 after retiring from service in the year 2008. She had also received the pension till her demise. After her demise, her husband Sivagnanam had also received the family pension who also died on 02.04.2015. Subsequently, an application dated 07.12.2017 was received from one Ms.Uma

Maheswari, daughter of the petitioner seeking family pension. In response to the same, the Directorate had sought for certain documents in support of her marital status and her income certificate vide letter dated 22.02.2018. But she has not submitted the requisite documents till date. Therefore, nothing survives in the writ petition.

3. In view of the above statement, this Court finds no merit in the writ petition since the petitioner was paid with pension till her death and after her death, her husband was also paid with the family pension till his death and as such, the prayer in the writ petition has become infructuous.

4. In the result, the Writ Petition fails and the same is accordingly, dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education,
Education Department,
Puducherry.

2. The Headmaster,
Valluvar High School,
Solai Nagar,
Puducherry-605 003.

+1cc to Mr.V.Ajayakumar, Advocate sr.no.16582
+1cc to Government Pleader(Pondicherry) sr.no.15717

W.P.No.27735 of 2008

nr 28/03/2019