



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

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W.P(MD)No.16122 of 2013
and
M.P(MD)Nos.2 and 3 of 2013

A.J.Anto Jasmin(Minor) : Petitioner

(Represented by her guardian, next friend and
Maternal Uncle, T.Jacob Benjamin)

Vs.

- 1.The Principal Accountant General (A&E),
Tamil Nadu, Chennai - 18.
- 2.The Director of Elementary Education,
D.P.I.Campus, College Road,
Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Ramanathapuram.
- 4.The Additional Assistant Elementary
Educational Officer,
Mudukulathur, Ramanathapuram District.
- 5.The Sub-Treasury Officer,
Mudukulathur, Ramanathapuram District.
- 6.S.Anthonimuthu
- 7.K.Ravikumar

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India, Writ of certiorarified mandamus, to call for the records of the first respondent, pertaining to his order in Admissibility Report for Family Pension Cases in No.AG(A&E)/PEN P13/11306279/4/PPO No.FC532760/152/47086, dated 28.06.2013 and consequential order in Gratuity Payment Order in No.AG(A&E)/PEN P13/4/FP/11306279/DGP/98, dated 03.07.2013, on his file, quash the same, directing respondents 1 to 5 to pay to the petitioner all the benefits including Death-cum-Retirement Gratuity, arrears of revised salary and pension on account of the 6th Pay Commission Report, Family Pension and all other benefits, for the service of the deceased T.Jasmin Alli, who served on 01.01.2008 in service as Secondary Grade Teacher in



Panchayat Union Middle School, Pooseri Mudukulathur, Ramanathapuram District.

For Petitioner	: Mr.K.N.Thampi
For R1	: Mr.P.Gunasekaran
For R2 to R5	: Mr.N.Shanmugaselvam, Additional Public Prosecutor
For R6	: Mr.C.K.M.Appaji
For R7	: No Appearance

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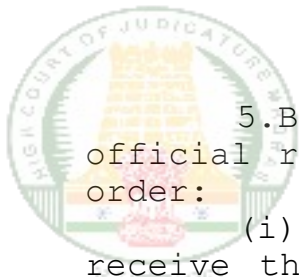
ORDER

This writ petition has been filed by the minor, who is the son of Mrs.T.Jasmin Alli. The 6th respondent in this writ petition is the father of the petitioner. The petitioner is represented by his maternal uncle.

2.The petitioner's mother was working as a secondary grade teacher in a Panchayat Union Middle School in Ramanathapuram District. It is stated that the petitioner's mother and the petitioner were living with the petitioner's maternal uncle and it is also stated that the petitioner's maternal uncle has no children. The petitioner's mother died in harness on 07.01.2008, leaving the petitioner as her only child. The sixth respondent is the husband of the said T.Jasmin Alli and had received some amounts payable to the legal heirs on account of the death of Smt.T.Jasmin Alli. By the impugned order, the 6th respondent is held eligible to receive gratuity.

3.It is admitted by the sixth respondent that he has received a sum around of Rs.3 lakhs on other accounts. It is also admitted that the sixth respondent has re-married another lady on 28.12.2009. It is therefore, submitted on behalf of the minor petitioner that minor is entitled to receive the family pension and other pensionary benefits. It is in the said circumstances, the petitioner has come up with this writ petition. It is submitted by the counsel for first respondent that the amount towards gratuity and family pension are not disbursed.

4.It is admitted before this Court that the petitioner after the second marriage of the 6th respondent, is entitled to get the family pension and the gratuity in entirety. It is also admitted that a suit in O.S.No.47 of 2010, on the file of the District Munsif, Kuzhithurai, which is filed by the minor petitioner is pending. The suit is for claiming certain other benefits and rights to collect the money, which are deposited by the petitioner's mother.



5. Based on the admitted facts and the stand taken by the official respondents, this Court is inclined to pass the following order:

(i) the petitioner represented by the guardian is entitled to receive the family pension and the gratuity in entirety. However, the amount disbursed by the official respondents shall be kept in a fixed deposit in any one of the nationalized bank.

(ii) It is open to the guardian to make an application, in case any amount is required for the well-being of the minor in getting good education or for other valid purpose.

(iii) except regarding entitlement of the minor petitioner to get family pension and the entire amounts payable to the petitioner's mother towards gratuity, this Court has not decided any other dispute between the petitioner's guardian and the petitioner's father/sixth respondent.

(iv) the petitioner is directed to submit a proposal in the prescribed format along with the required documents to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order.

(v) the fourth respondent, who is the Additional Assistant Elementary Educational Officer, Mudukulathur, after receiving the proposal from the petitioner shall in-turn forward the same to the third respondent/District Educational Officer, Ramanathapuram District within one week from the date of receipt of the proposal.

(vi) the third respondent, who in-turn shall forward the said proposal, to the first respondent within one week after receipt of the same.

(vii) the first respondent is directed to disburse the family pension as well as the gratuity in entirety to the petitioner (represented by guardian) within a period of four weeks.

6. In view of the conclusion reached above, the impugned order in Admissibility Report for Family Pension Cases in No.AG(A&E)/PEN P13/11306279/4/PPO No.FC532760/152/47086, dated 28.06.2013 and consequential order in Gratuity Payment Order in No.AG(A&E)/PEN P13/4/FP/11306279/DGP/98 are quashed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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To

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Tamil Nadu, Chennai - 18.

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4.The Additional Assistant Elementary
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5.The Sub-Treasury Officer,
Mudukulathur,
Ramanathapuram District.

+1 CC to Spl.GP (SR-85858[F] dated 09/09/2019)

+1 CC to Mr.C.K.M.APPAJI, Advocate (SR-85840[F] dated 09/09/2019)

+1 CC to Mr.K.N.THAMPI, Advocate (SR-85757[F] dated 06/09/2019)

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DAS

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