



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.19716 of 2019

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S.Swamidhas

... Petitioner

-Vs-

1.The State Chief Account General,
Chief Account General Office,
361, Anna Salai,
Teynampet, Chennai.

2.The District Elementary Education Officer,
District Elementary Education Office,
V.O.C. School Campus,
Kovilpatti, Tuticorin District.

3.The Block Education Officer (II),
Block Education Office,
Kayathar, Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 05.06.2019 and direct them to disburse the petitioner's retirement and pension benefits.

For Petitioner	: Mr.M.R.Sreenivasan
For R1	: Mr.P.Gunasekaran
For R2 and R3	: Mr.A.Thiagarajan, Government Advocate.

ORDER

Heard Mr.M.R.Sreenivasan, learned counsel appearing on behalf of the petitioner, Mr.P.Gunasekaran, learned counsel, who takes notice on behalf of the first respondent and Mr.A.Thiagarajan, learned Government Advocate, who takes notice on behalf of the respondents 2 and 3.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.This Writ Petition is filed for a direction to direct the respondents to consider the petitioner's representation, dated 05.06.2019 and direct them to disburse the petitioner's retirement and pension benefits.



4.The petitioner retired as Middle School Headmaster on 31.05.2018. He submitted all the necessary papers for disbursement of the terminal benefits and pension. According to the learned counsel appearing on behalf of the petitioner, due to strained relationship between the petitioner and his wife, they are living separately from the year 2003 and their marriage was dissolved as per the customs. Due to ill-health and age, at the advice of relatives, he married one Jeyashankari and they are living together. In their wedlock, one son was born. The petitioner has given a house worth about Rs.25,00,000/- to his two daughters and financially helped them for their education. Now, the first daughter is completed her nursing course and is abroad and got married and all the marriage expenses were met only by the petitioner.

5.While so, one of the relative of the petitioner's first wife, approached the petitioner and informed him that his first wife, namely, P.Vasantha, is in his custody and demanded a sum of Rs.5,00,000/- from the petitioner. The petitioner refused to accede to the said demand. The said person challenged the petitioner that he would prevent him from receiving terminal benefits and pension and issued notice through Advocate and made a complaint to the respondents. The respondents called upon the petitioner for explanation. The petitioner appeared in person and set out the above facts. In spite of the same, the respondents are not disbursing the terminal benefits. In such circumstances, the petitioner has come out with the present Writ Petition.

6.From the materials on record, it is seen that there was some strained relationship between the petitioner and his wife, namely, P.Vasantha and according to the petitioner, the marriage between them was dissolved as per the customs in the presence of panchayatars. The petitioner retired on 31.05.2018 and he is entitled to get all the terminal benefits and pension. Therefore, the respondents cannot withhold the terminal benefits on the complaint given by the person, claiming to be the guardian of the petitioner's first wife. The second respondent is directed to send a proposal to the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the first respondent is directed to disburse all the eligible terminal benefits to the petitioner, within a period of four weeks thereafter.



7. In view of the same, this Writ Petition stands allowed as prayed for. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

To

1. The State Chief Account General,
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361, Anna Salai,
Teynampet, Chennai.
2. The District Elementary Education Officer,
District Elementary Education Office,
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Kovilpatti, Tuticorin District.
3. The Block Education Officer (II),
Block Education Office,
Kayathar, Tuticorin District.

+1 CC to SPL GP (SR-86913[F] dated 16/09/2019)
+1 CC to Mr.P.GUNASAKARAN, Advocate (SR-86814[F] dated 16/09/2019)
+1 CC to Mr.M.R. SREENIVASAN, Advocate (SR-87006[F] dated
17/09/2019)

W.P. (MD) No.19716 of 2019
13.09.2019

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