

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20695 of 2009
and
M.P.No.1 of 2009

Kaliappan

...Petitioner

vs.

1. The District Education Officer,
Near Periyar Manram,
Bazaar Street, Dharmapuri.
2. The Assistant Elementary Education Officer,
Nallampally Post,
Dharmapuri.
3. Alimabi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents 1 and 2 to act on their proceedings Na.Ka.2684/A1/2009, dated 06.08.2009 and consequently name the 3rd respondent as the petitioner's nominee to receive the petitioner's pensionary benefits after his life time.

For Petitioner : Mr.K.Akkavirayan
for Mr.AR.M.Arunachalam

For Respondents 1 & 2 : Mrs.P.Kavitha,
Government Advocate

O R D E R

This Writ Petition has been filed seeking a direction to the Respondents 1 and 2 to act on their proceedings vide Na.Ka.2684/A1/2009, dated 06.08.2009 and consequently name the 3rd Respondent as the Petitioner's nominee to receive the Petitioner's pensionary benefits after his life time.

2. Today, when the matter is taken up for hearing, learned counsel for the Petitioner submitted that, the Petitioner is no more and that, the 3rd Respondent herein is the second wife of the Petitioner.

3. Learned Government Advocate appearing for Respondents 1 and 2, furnished the Petitioner's 'Admissibility Report for Family Pension' issued by the Office of the Principal Accountant General (A&E), Tamilnadu, Chennai, wherein, it is seen that, the name of the 3rd Respondent herein viz. M.Alimabi, is mentioned as the Family Pensioner of the Petitioner.

4. As the deceased Petitioner is not represented by his legal heirs and that, he had nominated the 3rd Respondent as his Family Pensioner, this Court is not inclined to deprive the terminal benefits of the deceased Petitioner to the 3rd Respondent.

5. Recording the submissions of the learned counsel on either side, this Writ Petition is dismissed as abated. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The District Education Officer,
Near Periyar Manram,
Bazaar Street, Dharmapuri.
2. The Assistant Elementary Education Officer,
Nallampally Post,
Dharmapuri.

+1 cc to the Government Pleader, Advocate in Sr.No. 27387

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W.P.No.20695 of 2009
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