

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.34590 of 2014

P.Lalitha

...Petitioner

Vs.

1. The Assistant Education Officer,
Corporation of Chennai,
Education Department,
Rippon Buildings,
Chennai - 600 003.

2. P.Muthulakshmi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to issue the family pension, terminal benefits and other benefits which my deceased husband late R.Pitchandi is entitled to.

For Petitioner : Mr.M.Sankar

For Respondent : Mrs. Karthikaa Ashok for R1
Mr.Venkatasamy for R2

ORDER

This writ petition has been filed for a direction to the 1st respondent to issue family pension, Terminal benefits and other benefits due to the petitioner's husband Late R.Pitchandi.

2. According to the petitioner, her husband worked as Head Master at Chennai Corporation Middle School. While in service, her husband expired on 02.01.2008 due to ailment, leaving behind three sons and one daughter as also the petitioner. Subsequently, she approached the 1st respondent for grant of family pension and Terminal benefits, which was not not sanctioned due to objection raised by the 1st respondent, who is the 2nd wife of the deceased R. Pitchandi. Further it is claimed by the petitioner that she is the legally wedded wife of the deceased and submitted Legal Heirship certificate to the 1st respondent. In spite of several reminders sent, no steps were taken by the 1st respondent to release the benefits due to her Late husband till date. Therefore, she submitted a representation dated 14.05.2013 to the 1st respondent and as no

orders were passed on the said representation, the petitioner is before this Court seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that during the pendency of this writ petition, 2nd respondent and the petitioner had arrived at a compromise and it would suffice if a direction is issued by this Court to the 1st respondent to settle the terminal benefits and family pension, due to the deceased R.Pichandi based on the said compromise within a time frame.

4. Ms.Karthikaa Ashok, learned Standing Counsel appearing for the 1st respondent submits that though it is claimed by the petitioner that she is the legally wedded wife of the deceased R.Pichandi, whereas 2nd respondent's name has been entered in the Service Register of the deceased as nominee. Hence, she vehemently opposed that based on the compromise memo, terminal benefits cannot be settled. However, she has no serious objection in issuing direction to the 1st respondent to consider the representation of the petitioner and disburse the terminal benefits and family pension in accordance with law.

5. Having regard to the submissions made by the learned counsel on either side as well as compromise entered into between the petitioner and the 2nd respondent, this Court, without going into the merits of the case, directs the petitioner to send a copy of the representation dated 14.05.2013 along with a copy of this order and also the copy of the compromise entered into between the petitioner and the 2nd respondent to the 1st respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the 1st respondent is directed to afford opportunity of personal hearing to the petitioner as well as the 2nd respondent and thereafter pass appropriate orders with regard to the settlement of the terminal benefits and family pension to the eligible persons. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this representation.

With the aforesaid directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

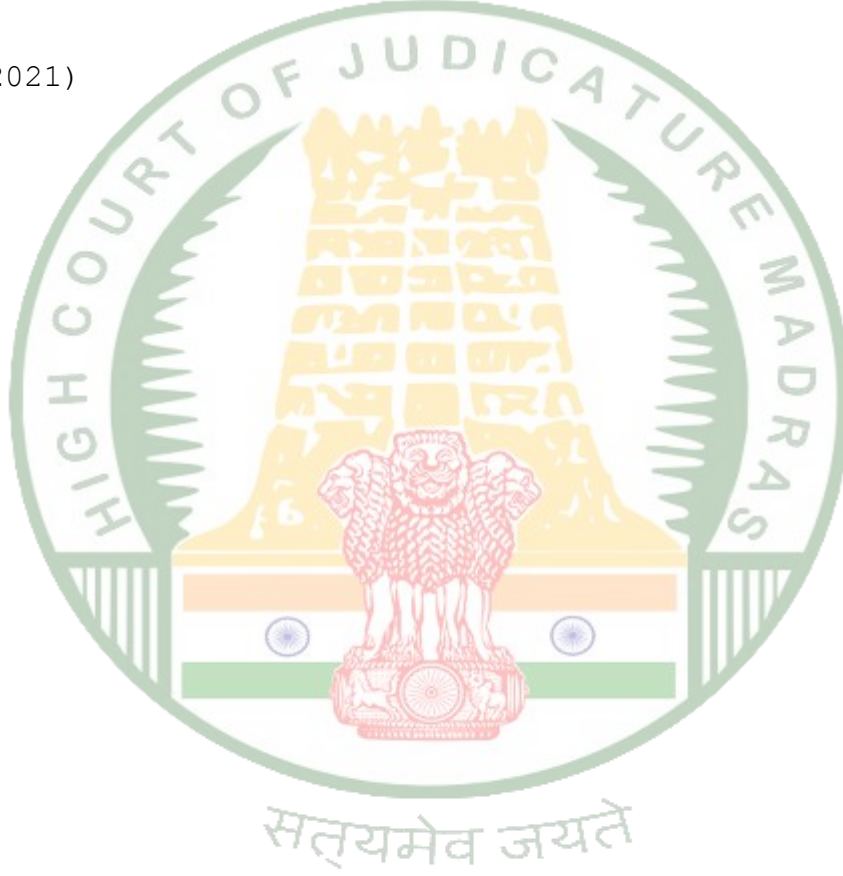
To
The Assistant |Education Officer,
Corporation of Chennai,
Education Department,
Rippon Buildings,
Chennai - 600 003.

+2cc to Mr.M.Sankar, Advocate, S.R.No.42782

+1cc to M/s.Karthikaa Ashok, Advocate, S.R.No.42897

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