



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) .No.7793 of 2020

WEB COPY

B.Balasubramani

.. Petitioner

Vs.

- 1) The Chief Educational Officer,
O/o the Chief Educational Office,
Madurai, Madurai District.
 - 2) The District Educational Officer,
O/o the District Educational Office,
Thirumangalam, Madurai,
Madurai District.
 - 3) The Head Master,
Government Higher Secondary School,
Villur, Madurai, Madurai District.
 - 4) The Secretary,
R.R.1185, Ramanathapuram District Education,
Department Employees Cooperative
Thrift and Credit Society Ltd.,
Ramanathapuram, Ramanathapuram District.
 - 5) The Secretary,
MU51 Tirumangalam Perayur Taluk High School and
Higher Secondary School Employees
Cooperative Thrift and Credit Society Ltd.,
Thirumangalam, Madurai District.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to disburse the benefits viz., Gratuity, Provident Fund, Earned Leave, Pending Salary and Family Pension etc., to the petitioner after deducting the debts a sum of Rs.9,83,030/- payable to the 4th respondent and a sum of Rs.52,000/- payable to the 5th respondent by considering the petitioner's representation dated 20.02.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
For Mr.B.Senthil Kumar

For RR 1 to 3 : Mr.A.Thiyagarajan,
Government Advocate



O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents to disburse the benefits viz., Gratuity, Provident Fund, Earned Leave, Pending Salary and Family Pension etc., to the petitioner after deducting the debts a sum of Rs.9,83,030/- payable to the 4th respondent and a sum of Rs.52,000/- payable to the 5th respondent by considering the petitioner's representation dated 20.02.2020 within the period that may be stipulated by this Court.

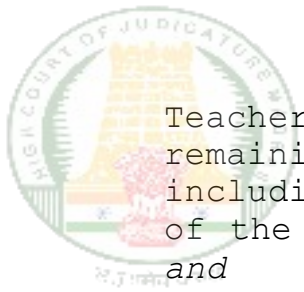
2. The petitioner's wife was working as a Teacher at the third respondent School. While so, on 15.08.2019, she died during service. During her service time, it seems that the deceased Teacher availed a loan from the fourth and fifth respondent Societies to the extent of Rs.9,83,030/- and Rs.52,000/- respectively. In the circumstances, the death cum retiral benefits as well as pensionary benefits, so far has not been disbursed to the deceased employee towards her legal heir (i.e.) husband of the employee, the petitioner herein. Therefore, the petitioner, having made a representation on 20.02.2020 and the same having not been considered so far, has approached this Court with the present Writ Petition with the aforesaid prayer.

3. I have heard Mr.C.Venkatesh Kumar, learned counsel appearing on behalf of Mr.B.Senthil Kumar, learned counsel appearing for the petitioner and also Mr.A.Thiyagarajan, learned Government Advocate appearing for the respondents, especially 1 to 3.

4. Since the petitioner's wife was a Teacher, who was employed under the respondent's Department and she died during service on 15.08.2019 and her death cum retirement benefits are yet to be disbursed, only seeking the said benefit, of course, after deducting the due payable by the said deceased employee towards the fourth and fifth respondent Society, since the representation dated 20.2.2020 has been given by the petitioner, who is the husband of the deceased employee, this Court feels that, the said representation can very well be considered and decided on merits and whatever retirement cum death benefits, now available, after deducting the due payable by the employee with the respondent Societies, the same can be disbursed.

5. In view of the aforesaid facts and circumstances, this Court is inclined to pass the following order:-

" (i) that the respondents, especially respondents 1 to 3 are hereby directed to consider the representation, dated 20.02.2020 of the petitioner and pass orders thereon, thereby calculating death cum retirement benefits payable to the deceased employee, who is the wife of the petitioner and after deducting the due payable by the employee/



Teacher to the fourth and fifth respondent Society, the remaining amount, if any, along with pensionary benefits, including the family pension to the extent of entitlement of the petitioner, shall be paid and continued to be paid; and

(ii) The needful, as has been indicated above, shall be undertaken by the respondents 1 to 3 within a period of eight weeks from the date of receipt of a copy of this order."

6. With these observations and directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To:

- 1) The Chief Educational Officer,
O/o the Chief Educational Office,
Madurai, Madurai District.
- 2) The District Educational Officer,
O/o the District Educational Office,
Thirumangalam, Madurai,
Madurai District.
- 3) The Head Master,
Government Higher Secondary School,
Villur, Madurai,
Madurai District.

Order made in
W.P. (MD) .No.7793 of 2020

Dated:
21.07.2020

CS (20.08.2020) 3P 4C