

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4902 of 2021 and
W.M.P.Nos.5510 and 5511 of 2021

M.Ammu

... Petitioner

-vs-

1. The Principal Accountant General,
(Accountant and Entitlements) Tamil Nadu,
No.361, Anna Salai, Chennai-600 018.

2. The Headmaster,
Government High School,
Orikai, Kanchipuram District.

3. Mulaikodai

... Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent notice in Na.Ka.No.9/2020 dated 29.01.2020 and quash the same as illegal and arbitrary and also direct the 1st and 2nd Respondents to disburse the DCRG amount equally to the legal heris of O.M.Murugasan.

For Petitioner : Mr.G.Mohammed Aseef
For R1 : Mrs.S.Sangamithirai
For R2 : Mr.P.Raj
Govt. Advocate

O R D E R

The petitioner has filed this writ petition, challenging the notice issued in Na.Ka.No.9/2020 dated 29.01.2020, by which, based on the letter of the 3rd respondent, the 2nd respondent forwarded the letter impugned to the 1st respondent to disburse the retirement benefits to the 3rd respondent. The petitioner also sought a direction to the Respondents 1 & 2 to disburse the DCRG amount equally to the legal heirs of O.M.Murugasan.

2. Mrs.S.Sangamithirai, learned counsel takes notice for R1 and Mr.P.Raja, learned Government Advocate for R2. Notice to R3 is dispensed with, as no adverse order is going to be passed against R3. By consent, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she was married to one Murugesan as a 2nd wife without knowing the fact that her husband was already married to the 3rd Respondent herein and that her husband worked as a teacher under 2nd Respondent and died on 01.07.2008 due to his health condition. It is the case of the petitioner that after the death of her husband, the retirement benefits were not settled to her and children and later on, she came to know that the 3rd Respondent took steps to get all the retiral benefits without her knowledge. It is further case of the petitioner that as per G.O.Ms.No.603 dated 13.09.1996, she is entitled to 50% of the family pension and subsequently, there was a mutual compromise between R3 and the petitioner for sharing of the retirement benefits without any disputes and therefore, she withdrew the earlier Writ Petition filed in W.P.No.17238 of 2012 dated 26.09.2019. It is the grievance of the petitioner that after withdrawal of the Writ Petition, the 3rd Respondent, in contrary to the agreement, requested the 2nd respondent to disburse the entire amount to her, pursuant to which, a letter was sent to the 1st respondent by the 2nd respondent on 29.01.2020 without any communication to the petitioner. Aggrieved by the action of the 2nd respondent, the petitioner is before this Court.

4. On a bare reading of the relief sought for in this Writ Petition, it is seen that the petitioner has no locus standi to file this Writ Petition and she, as a mother / natural guardian could have very well filed a Writ Petition on behalf of the legalheirs 5 to 9 mentioned in the legalheir certificate dated 04.02.2009. Instead of doing so, the petitioner herself has filed this Writ Petition in her individual capacity and therefore, the relief sought for by the petitioner cannot be granted.

5. Accordingly, the Writ Petition is dismissed. It is made clear that dismissal of this Writ Petition is not a bar for the petitioner to espouse the cause of her children / legalheirs 5 to 9, who are minors, after making necessary application to the respondent concerned. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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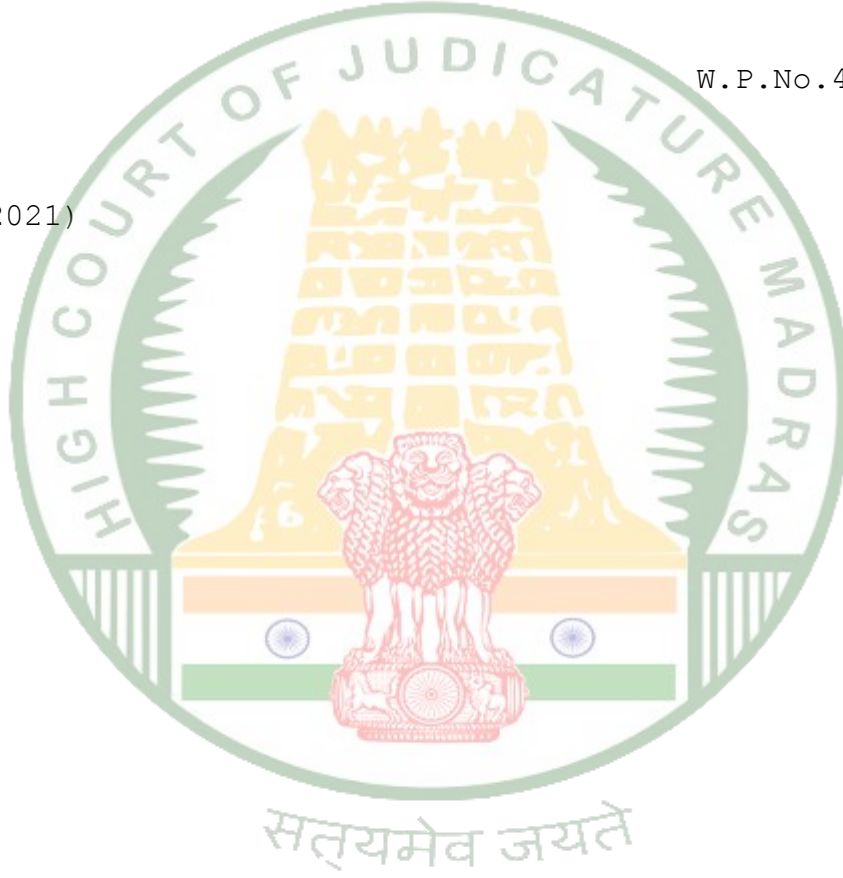
To:

1. The Principal Accountant General,
(Accountant and Entitlements) Tamil Nadu,
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2. The Headmaster,
Government High School,
Orikai, Kanchipuram District.

+1 CC to The Government Pleader sr 14187.

W.P.No.4902 of 2021

PVS (CO)
SP (08/07/2021)



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