

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4894 of 2021

(Heard through VC)

R.Elakkiya

.. Petitioner

-vs-

1.The Chief Educational Officer,
Chennai District,
Office of the Chief Educational Officer,
Adikesavarpuram, Egmore,
Chennai - 600 008.

2.The Headmaster,
Government Higher Secondary School,
CMDA Colony, Arumbakkam,
Chennai - 106.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 to consider and pass orders on merits by disposing the written representation made by the petitioner on 11.12.2020 and 07.01.2021 within a stipulated time.

For Petitioner : Mr.K.Sundramurthy

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a directing the to the respondents 1 and 2 to consider and pass orders on merits by disposing the written representation made by her on 11.12.2020 and 07.01.2021 within a stipulated time.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that her husband N.Kamalakkannan died due to heart attack while working as Physical Education Teacher in second respondent-School. As per the Legal Heirship Certificate, the petitioner and her mother-in-law are the only legal heirs of the deceased N.Kamalakkannan. In the Service Register of her deceased husband also the petitioner and her mother-in law's names were entered as nominees in the nomination form, Death cum Retirement Gratuity Form and Special Provident Fund cum Gratuity Scheme Form. Hence, the petitioner has made a representation dated 11.12.2020 to the second respondent and thereafter on 07.01.2021 to the first respondent with all relevant documents requesting to settle the Salary, DCRG, CPS and other benefits, which are payable to her deceased husband N.Kamalakkannan. In spite of her representations made to the respondents, the benefits payable to her deceased husband has not been settled to the petitioner. Hence the petitioner has filed this Writ Petition.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representations are already pending with the respondents, the writ petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representations preferred by the petitioner dated 11.12.2020 and 07.01.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order.

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the respondents shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, <https://hcservices.ecourts.gov.in/hcservices/> along with a copy of the representations dated

11.12.2020 and 07.01.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representations, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi/ar

To

- 1.The Chief Educational Officer,
Chennai District,
Office of the Chief Educational Officer,
Adikesavarapuram, Egmore,
Chennai - 600 008.
- 2.The Headmaster,
Government Higher Secondary School,
CMDA Colony, Arumbakkam,
Chennai - 106.

+ 1 CC.to Mr. S. Balaraman, Advocate, Sr.No.13885

SR II (CO)
SM/24/03/2021 (IT)

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