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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

Writ Petition No. 22979 of 2015

A. Santha .. Petitioner

Versus

1. The Headmaster
   Government Girls Hr. Sec. School
   Katpadi.

2. The Chief Educational Officer
   Vellore District.

3. The Director, School Education Department
   Chennai 600 006.

4. The District Collector
   Vellore District.

5. The Secretary to Government,
   School Education Department,
   Fort St. George, Chennai 600 009. .. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to settle the balance service benefits of late Samundeeswari, sister of the petitioner within a specified period.

For Petitioner : Mr.V.Bhiman
for Mr.Sampathkumaar & Associates

For Respondents: Mr. Stalin Abhimanyu
Government Counsel

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ORDER

The petitioner has filed this writ petition seeking to issue a Writ of Mandamus directing the respondents to settle the balance service benefits of late Samundeeswari, sister of the petitioner.

2. According to the petitioner, her younger sister late A.Samundeeswari was working as Craft teacher at Government Higher Secondary School, Katpadi. During the course of such employment, she did not file any nomination for getting service benefits in the event of her death. While so, on 31.01.2008, the said Samundeswari died leaving behind the petitioner and her three sisters as her legal heirs. Subsequently, the petitioner obtained a legal heir ship certificate of the deceased from the competent authorities and furnished the same to the first respondent along with a representation dated 19.10.2013. On receipt of the same, the third respondent forwarded it to the second respondent to take necessary action, but no steps were taken to disburse the monetary benefits to the petitioner. Therefore, on 07.03.2015, yet another representation was submitted to the respondents seeking to disburse the service benefits such as GPF and DCRG payable to the deceased, which was also not considered. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that while the petitioner's sister Samundeswari was working as Craft Teacher in Government Higher Secondary School, Katpadi, she died on 31.01.2008 as spinster and hence, the petitioner and three other sisters being the legal heirs of the deceased, made representations enclosing legal heir certificate, to the respondents to disburse the service benefits payable to her. However, the said claim was not considered by the respondents. Therefore, the learned counsel prayed for appropriate direction to the respondents in this regard.

4. The learned Government counsel appearing for the respondents submitted that the petitioner has not produced a succession certificate as a condition precedent for disbursement of the benefits payable to the deceased and therefore, her request is pending consideration of the respondents. However, he submitted that the respondents would consider the representation of the petitioner and pass orders, on merits and also in the light of the documents furnished by the petitioner, within a time

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frame to be stipulated by this court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, without expressing any opinion on merits, the second respondent is directed to consider the petitioner's representation dated 19.10.2013 and the reminder dated 07.03.2015, seeking settlement of service benefits of the deceased, provided all the required documents as submitted by the petitioner and pass appropriate orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No Costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mst/rsh

To

1. The Headmaster,
   Government Girls Hr. Sec. School,
   Katpadi.

2. The Chief Educational Officer,
   Vellore District.

3. The Director, School Education Department,
   Chennai 600 006.

4. The District Collector, Vellore District.

5. The Secretary to Government,
   School Education Department,
   Fort St. George, Chennai 600 009

+1cc to M/s.Sampathkumaar & Associates, Advocate, S.R.No.44377
+1cc to the Government Pleader, S.R.No.44586

WP No. 22979 of 2015

NR(CO)
SB(05/10/2021)

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