



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.2570 of 2020

WEB COPY

S.Parvathi

... Petitioner

Vs.

1. The Director of School Education,
O/o.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-6.
2. The Principal Accountant General (A & E),
O/o.The Principal Accountant General (A &E),
361, Anna Salai,
Chennai-600 018.
3. The District Educational Officer,
O/o.The District Educational Officer,
Tirunelveli, Tirunelveli District.
4. The Block Educational Officer,
O/o.The Block Educational Officer,
Tirunelveli Town,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 herein to grant Pension benefits of the petitioner's father Late Mr.Sankarasubramanian, who was employed and was in service as Secondary Grade Teacher and was in service at 'Sri Manthiramurthi Primary School' and fix the pension to his employment until 29.02.1968, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.P.Subbaraj
Government Advocate

ORDER

The petitioner has filed the present writ petition for a direction to the respondents 1 & 2 to grant Pensionary benefits of the petitioner's father Late Mr.Sankarasubramanian, who was served as Secondary Grade Teacher at 'Sri Manthiramurthi Primary School' and fix the pension to his employment until 29.02.1968, within the time period stipulated by this Court.



2. According to the petitioner, her father Mr.Sankarasubramanian, who was appointed on 04.07.1945 and working as Secondary Grade Teacher, in Sri Manthiramurthi Primary School, suffered neurology disorder and subsequently, he was diagnosed with ' Paranoid Schizoprenia' and because of which, he became unfit for service and subsequently, he was invalidated from service with effect from 29.02.1968. Her father died on 23.10.1989. After the death of her father, the petitioner's mother applied for family pension. The second respondent in December 2009, forwarded the application of her mother to the fourth respondent for verification and want of original service records. Her mother gave detailed representation that due to old age and poverty, she could not produce the service records. Her mother died on 02.01.2011. Thereafter, the petitioner gave representation on 29.06.2019 and has come out with the present writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the said Mr.Sankarasubramanian was not medically invalidated. On the other hand, he stopped attending the school from 21.08.1967 and the school issued notice and relieved from service on 29.02.1968 and hence, he is not entitled for pension and the petitioner is not entitled to claim family pension and prayed for dismissal of the writ petition.

4. From the materials on record, it is seen that according to the petitioner, her father was medically invalidated on 29.02.1968. On the other hand, it is the case of the respondents that he was not medically invalidated, he stopped attending the work from 21.08.1967. The petitioner has not produced any material to show that her father suffered mental disorder and medically invalidated from 29.02.1968. Further, no claim was made from 1968 to till the date of death of her father in the year 1989. According to the petitioner, after the death of her father, her mother made representation in the year 1993 to the Chief Minister Cell, and thereafter, no steps has been taken by her mother. The petitioner has made representation in the year 2019. The claim of the petitioner is stale and the petitioner is not entitled to claim pension of her father.

5. With the above observation, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

<https://hcservices.ecourts.gov.in/hcservices/>



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 Director of School Education,
DPI Campus, College Road,
Chennai-6.
2. The Principal Accountant General (A & E),
361, Anna Salai,
Chennai-600 018.
3. The District Educational Officer,
Tirunelveli, Tirunelveli District.
4. The Block Educational Officer,
Tirunelveli Town,
Tirunelveli District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-23670[F] dated 23/07/2021)

+1 CC to M/s. SPL GP (SR-23694[F] dated 23/07/2021)

**W.P. (MD)No.2570 of 2020
22.07.2021**

RC (30.07.2021)3P-7C