



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.8811 of 2021

R.Parvathy

... Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St. George Fort,
Chennai-6.

2.The Director,
School Education Department,
DPI Campus, Chennai-6.

3.The Chief Educational Officer,
Tirunelveli District.

4.The Correspondent,
Hindu Middle School,
Mayamankurichi,
Tirunelveli District.

... Respondents

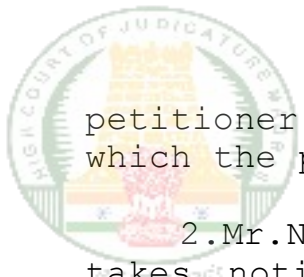
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 21.08.2019 in accordance with law within a stipulated time period and consequently direct the respondents to provide the petitioner with the eligible retirement benefits of the petitioner's husband, which the petitioner is entitled to .

For Petitioner : Mr.C.Muthusaravanan

For R1 to R3 : Mr.N.Shanmugaselvam
Additional Government Pleader

ORDER

This writ petition is filed seeking a mandamus, directing the respondents to consider the petitioner's representation, dated 21.08.2019 and consequently direct the respondents to provide the



petitioner with the eligible retirement benefits of her husband in which the petitioner is entitled to .

2.Mr.N.Shanmugaselvam, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. According to the petitioner, her husband joined as Higher Grade Teacher in the year 1960 and later, he was promoted as Grade-II Teacher. While he was in service, a criminal case in Cr.No.635 of 1997 was registered against her husband and three others, by the Inspector of Police, Alangulam Police Station for the alleged offences punishable under Sections 323 and 302 of IPC. In view of the registration of the case, he was suspended from service on 23.09.1997 and was not permitted to retire from service after attaining the age of superannuation. Chargesheet was also filed in S.C.No.200 of 1998 before the III Additional District and Sessions Court, Tirunelveli. He was convicted and sentenced to undergo life imprisonment and was imposed with a fine of Rs.5,000/-. Challenging the conviction and sentence, petitioner's husband filed Crl.A(MD)No.418 of 2001. During the pendency of the appeal, her husband died on 23.09.2001. The case was proceeded against the remaining accused and sentence imposed upon them were modified, by the judgment dated 19.03.2008. Hence, the petitioner submitted an application before the respondents 1 to 3, seeking family pension and other benefits viz., Gratuity, Employees Provident Fund, Special Leave Salary etc. Thereafter, the third respondent vide his proceedings in No.Na.Ka.No.8926/Aa/2/2008 dated 03.01.2014 passed an order and informed that the legal heirs of her husband are not entitled for family pension and other benefits. Further, on 21.08.2019 the petitioner has sent a detailed representation to the respondents. Since no order has been passed on the representation, the petitioner has come out with the present writ petition.

4. Though the petitioner sought for a larger relief in the writ petition, when the Writ Petition is taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents 1 to 3 to consider her representation, dated 21.08.2019.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3.

6.Considering the submission of the learned counsel for the petitioner without deciding the issue on merits, the writ



petition is disposed of directing the respondents 1 to 3 to consider the representation of the petitioner, dated 21.08.2019 and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

WEB COPY

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

am

To

- 1.The Secretary to Government,
School Education Department,
St. George Fort,
Chennai-6.
- 2.The Director,
School Education Department,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer,
Tirunelveli District.

+1 CC to SGP (SR-18354[F] dated 03/05/2021)

W.P. (MD)No.8811 of 2021

30.04.2021

—

KM(04.06.2021) 3P 5C