



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD) No.11348 of 2020

F.Lawrance

... Petitioner

Vs.

The Block Educational Officer,
Office of the Block Educational Office,
Manapparai,
Trichy District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to sanction to petitioner all the monetary benefits such as teachers provident fund, gratuity, monthly family pension and all the other attendant benefits payable to his late sister based on his representation dated 10.02.2020 within the time stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

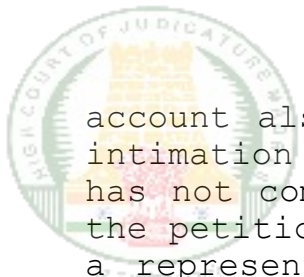
For Respondents : Mr.S.Shanmugavel,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondent to sanction the petitioner all the monetary benefits such as Teacher's Provident Fund, Gratuity, monthly Family Pension and all the other attendant benefits payable to his late sister based on his representation dated 10.02.2020 within the time stipulated by this Court.

2. By consent of both parties, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, his one of the sisters, Mrs.F.Martin Dhanaseeli Maximilla, was employed as Headmistress and due to ill health, she died on 16.01.2020. She married one Thomas Alex on 30.06.2001 and after a period of three months, she left matrimonial home, came to his house and lived with him till her death. During her life time, she executed a Will on 30.01.2020 in favour of the petitioner and the same was registered before the Sub-Registrar, Manapparai, Trichy District. In her Will, she stated that all her properties, her monetary benefits and compensation on account of performing duty as a Teacher would be belonging to the petitioner. She also stated in the Will that her jewels and bank



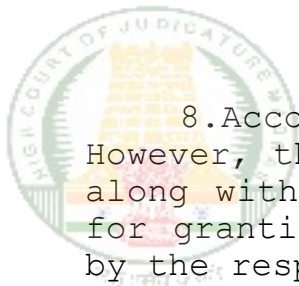
account also would go to him as her legal heir. Though, the death intimation of his sister was sent to her husband, Mr.Thomas Alex, he has not come to do last rites to his wife. It is further stated by the petitioner that, as per the Will executed by her sister, he sent a representation dated 10.02.2020 to the respondent requesting to sanction of monetary benefits such as Provident Fund, Gratuity, Monthly family pension and compensation payable to him on behalf of his sister. The grievance of the petitioner is that despite his representation, the respondent has not taken any action. Hence, the petitioner has come forward with the present Writ Petition.

4. A counter affidavit has been filed on behalf of the first respondent, wherein, it has been stated that the petitioner claimed the benefits of the deceased employee based on the Will said to have been executed by her sister, but the Will has to be proved beyond doubts and he has to submit succession certificate obtained from the Court of law. But the petitioner has not produced the same. For the purpose of claiming retirement benefits of the deceased employee, the petitioner is required to produce sufficient documents such as, Death Certificate, Legal Heir Certificate and nominee in the Service Register. Unless he produces the same, he is not entitled to the said benefits. It is also stated that there is no entry in regard to nominee in the Service Register of the deceased employee. There is no proof to show that the petitioner is dependent of the deceased. With these averments, the 1st respondent sought for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

6. Admittedly, the petitioner has not produced required documents, such as Legal Heir Certificate, Succession Certificate, Death Certificate and nominee in the Service Register, etc. and also no proof has been produced by him to show that he is the brother of the deceased employee. The learned Government Advocate would submit that though the petitioner has made a representation claiming terminal benefits and other benefits due and payable to the deceased employee, but he has not filed produced the relevant documents and further, he filed a suit in O.S.No.117 of 2002 for grant of Succession Certificate and still it is pending. Therefore, he would submit that unless these documents are produced by the petitioner, he is not entitled to seek the benefits.

7. In view of the facts and circumstances and also the submissions made by the learned Standing counsel appearing for the respondents, this Court does not find any merit in the Writ Petition. Admittedly, the petitioner without furnishing the required relevant documents, has made representation, which was rightly not considered by the respondents and in the absence of the same, this Court also cannot direct the respondents to consider the



8. Accordingly, the Writ Petition is dismissed. No costs. However, the petitioner is at liberty to make a fresh representation along with all relevant documents which would satisfy the criteria for granting the benefits due and payable to the deceased employee by the respondents.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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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

The Block Educational Officer,
Office of the Block Educational Office,
Manapparai,
Trichy District.dn

+1 CC to M/s.GP (SR-28712[F] dated 09/09/2021)

+1 CC to M/s.G.M.XAVIER, Advocate (SR-28656[F] dated 09/09/2021)

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