



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 5181 of 2019

K. Chitra

...Petitioner

-vs-

1. The Director of School Education,
College Road, Chennai.

2. The District Education Officer,
Tiruvannamalai.

3. K. Bhanumathi

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent to disburse the pensionary benefits of late Kotteeswaran to the nominee as per the service record maintained by the Second Respondent.

For Petitioner : Mr. Sunny Sheen Akkara
for Mr. V.Raghavachari

For Respondents : Mrs. C.Sangamithirai
Special Government Pleader (for R1 and R2)
No Appearance (R3)

O R D E R

Heard Mr. Sunny Sheen Akkara, Learned Counsel for the Petitioner and Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the wife of one S.Kotteeswaran, who had died on 09.11.2015 while he was serving as Head Master in Government Higher Secondary School. It is the case of the Petitioner that though her name has been entered as nominee in the Service Register of the said S.Kotteeswaran and she had made periodical representations to the concerned authorities to disburse the terminal benefits of the said S.Kotteeswaran, it has not evoked any response and that a rival claim has been made by the Third Respondent, viz., K. Banumathi



as the wife of the said S.Kotteeswaran. In that backdrop, the Petitioner has filed this Writ Petition for directing the Second Respondent to disburse the pensionary benefits of the said S.Kotteeswaran to her.

WEB COPY

3. Learned Special Government Pleader appearing for the First and Second Respondents referring to the Counter-Affidavit dated 30.04.2019 filed by the Second Respondent states that the Legal Heirship Certificate obtained by the Petitioner as the wife of the said S.Kotteeswaran had been cancelled by Order in Mu. Mu. No. A2/6373/2017 dated 18.01.2018 passed by the Sub Collector, Thirupathur and that the Petitioner had filed the suit in O.S. No. 15 of 2018 in the Principal District Munsif Court, Ambur, Vellore District impleading the Third Respondent as the Fourth Defendant in the suit seeking declaration that the Petitioner is the legally wedded wife of the said S.Kotteeswaran and other ancillary reliefs and its ultimate outcome would have to be awaited. It has been brought to notice that the said suit was disposed on 08.10.2021 and the copy of the judgment has been produced.

4. Having regard to the aforesaid subsequent events, it shall be incumbent upon the concerned authorities to conduct enquiry after due notice to the Petitioner and the Third Respondent and other legal heirs, if any of the said S.Kotteeswaran, with reference to the judgment dated 08.10.2021 in O.S. No. 15 of 2018 passed by the Principal District Munsif Court, Ambur, Vellore District and the terminal benefits would have to be paid to the eligible persons after communicating such decision taken to all parties concerned under written acknowledgment.

In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar(CCC)

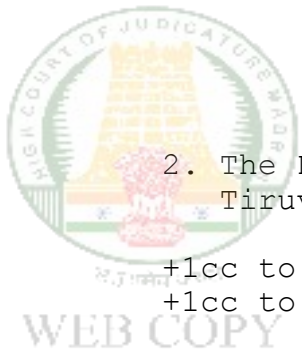
//True Copy//

Sub Assistant Registrar

kv/skr

To

1. The Director of School Education,
College Road, Chennai.



2. The District Education Officer,
Tiruvannamalai.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.28757
+1cc to the Government Pleader, S.R.No.29131

W.P. No. 5181 of 2019

CA (CO)
KKV/15/06/2022