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W.P. No.24958 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.24958 of 2022 and
W.M.P.No.23894 of 2022

1.R.Shanthi
2.A.Dhanam
3.R.Tamilselvi
4.S.Sivagami
Petitioners

...

Vs.

- 1.State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Chennai District,
Presidency Girls Higher Secondary
School Campus,
Egmore, Chennai – 600 008.
- 4.The District Educational Officer,
Central Chennai,
384, Anna Salai,
Saidapet, Chennai 600 015.



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5. The Block Educational Officer,
Adayar Block,
384, Anna Salai,
Saidapet, Chennai 600 015.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to pass orders for settlement of terminal benefits including the Contributory Pension Scheme (CPS) of Late R.Murgaiyan, B.T. Assistant in Thiruvalluvar Gurukulam Middle School, Saidapet, Chennai 600 015 to and in favour of Petitioners, based on the application in Annexure-I submitted by the petitioners, based on the proposal forwarded by the Headmaster of Thiruvalluvar Gurukulam Middle School, Saidapet, Chennai 600 015 dated 23.09.2021, with all consequential and other attendant benefits with payment of arrears of Family Pension with interest.

For Petitioners : Mr.G.Sankaran

For Respondents : Mr.C.Kathiravan
Special Govt. Pleader

ORDER

The prayer sought for herein is for a writ of mandamus directing the respondents to pass orders for settlement of terminal benefits including the Contributory Pension Scheme (CPS) of Late R.Murgaiyan, B.T. Assistant in Thiruvalluvar Gurukulam Middle School, Saidapet, Chennai 600 015 to and in favour of petitioners, based on the application in Annexure-I submitted by the petitioners, based on the proposal forwarded by the Headmaster of Thiruvalluvar Gurukulam Middle



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School, Saidapet, Chennai 600 015 dated 23.09.2021, with all consequential and other attendant benefits with payment of arrears of Family Pension with interest.

2. One Murugaiyan was working as B.T. Assistant at Thiruvalluvar Gurukulam Middle School, Saidapet, Chennai and he died in harness on 20.12.2018. After his demise, his pension proposal/family pension proposal was sent for approval and disbursement to the legal heirs of the deceased by the School where he worked to the 5th respondent on 23.09.2021. Though it has been forwarded by the School, the death cum retirement benefits of the deceased as well as other benefits payable to the siblings of the deceased who are the petitioners herein since have not been undertaken, the siblings i.e., the petitioners have come before this Court by filing the present writ petition with aforestated prayer.

3. Heard Mr.G.Sankaran, learned counsel appearing for the petitioner who would submit that, the Teacher expired on 20.12.2018 almost about 4 years have gone, however still the death cum retirement benefits payable to the legal heirs of the deceased i.e. the petitioners have not so far been paid even though the proposal in this regard was



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forwarded by the petitioner School sometime on 23.09.2021.

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4. Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondents however would submit that, though the Teacher was died on 20.12.2018, the pension proposal admittedly has been sent by the School to the 5th respondent only in September 2021 and thereafter, it must be in the process where whether the petitioners are the real legal heirs of the deceased or otherwise have to be verified by the authorities concerned and thereafter the decision would be taken to the disbursement of the death cum retirement benefits payable to the deceased employee to his legal heirs and this process would be completed at the earliest, he submitted.

5. Having regard to the said submissions made by both sides and after considering the factual matrix as projected by the learned counsel appearing for the parties, this Court is inclined to dispose of this writ petition with the following orders:

That there shall be a direction to the respondents especially the 5th respondent to forward the proposal sent by the School dated 23.09.2021 to the 3rd and 4th respondents, who on receipt of the same, if not already received from the



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Adayar Block, 384, Anna Salai,
Saidapet, Chennai 600 015.



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R.SURESH KUMAR, J.

Sgl

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