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W.P.No.1780 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1780 of 2017

Balambal

...Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai – 6.

2.The Correspondent,
YMCA College of Sports
Higher Secondary School,
Nandanam, Chennai – 35.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to the order of the first respondent made in Mu.Mu.No.136520/W5/E2/1997 dated nil.10.2016, to quash the same and to consequently direct the respondents to forthwith quantify, fix and disburse appropriate pension and family pension to the petitioner herein with accrued interest thereon.

For Petitioner : Mrs.N.R.Jasmine Padma

For R1 : Mrs.S.Mythreyechandru
Special Government Pleader

For R2 : No appearance



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ORDER

The order of rejection, rejecting the claim of the writ petitioner to grant promotion to her deceased husband and for payment of consequential monetary benefits is under challenge in the present writ petition.

2. The petitioner states that her husband Late K.Rudrakoti served as P.G. Assistant and retired from service on 30.06.1996 on attaining the age of superannuation. He was receiving pension and died on 16.02.2012.

3. The petitioner states that her husband, while in service, filed W.P.No.1256 of 1988 and this Court passed final orders on 01.09.1997, directing the authorities to consider and dispose of the appeal filed by the petitioner within a period of two months from the date of receipt of a copy of that order.

4. Pursuant to the order, the deceased employee submitted a representation on 10.07.2008. Based on the representation, the competent authorities had provided a personal hearing to the deceased employee and asked the husband of the writ petitioner to submit further particulars,



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enabling the authorities to consider his case and pass final orders. However, the deceased employee had not pursued the matter and not produced any further details, enabling the authorities to pass final orders. Unfortunately, the employee died on 16.02.2012. Subsequently, the first respondent passed the impugned order in the year 2016, stating that the department had not received any informations or particulars as sought for by the competent authorities and they had received the informations regarding the death of the employee on 16.02.2012.

5. The learned Special Government Pleader appearing on behalf of the 1st respondent states that the deceased husband of the writ petitioner served in a Minority School. Therefore, the appointments and promotions are to be granted by the Management of the Minority School and the department cannot interfere with the administration of the Minority Schools in the matter of appointment and promotion.

6. Under those circumstances, in the absence of any details, the Department could not able to decide the issues as per the appeal submitted by the deceased employee.



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7. The fact remains that the deceased employee retired in the year 1996. While he was in service, he filed a Writ Petition in the year 1988 and the writ petition was disposed of in the year 1997. The petitioner was called by the competent authorities to furnish the details and the deceased employee had not furnished the details and therefore, the authorities could not able to pass final orders immediately. Now after a lapse of several years, the petitioner has chosen to file the present writ petition, seeking the relief of promotion and consequential monetary benefits. The deceased employee failed to pursue the grievances within a reasonable period of time.

8. Though this Court passed an order in the year 1997, the deceased employee had not furnished relevant particulars to the department for the purpose of initiating further action. Even after personal enquiry in the year 2008, the deceased employee had failed to furnish the details and he died on 16.02.2012.

9. Under these circumstances, the relief as such sought for cannot be granted and further, the deceased employee slept over his right for several



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years.

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10. Thus, the writ petition stands dismissed. No costs.

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Index : Yes
Speaking order: Yes
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S.M.SUBRAMANIAM, J.

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