WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:06.04.2022
CORAM:
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.1263 of 2021
&
WMP(MD)Nos.1068 & 1069 of 2021

K.Duraiarasan ... Petitioner

Vs.

1. The Block Educational Officer,
   Palani Rural,
   Dindigul District.

2. The Tahsildar,
   Taluk Office,
   Palani,
   Dindigul District.

3. A.Sriram ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned return in A.Thi.Mu.No. 2547/A1/20 dated 19.12.2020 passed by the 1st respondent and quash the same as illegal and consequently direct the 1st respondent to disburse the Death benefits and other monetary benefits, for which the deceased Chitra is entitled in favor of the petitioner.

For Petitioner : Mr.N.Mohan
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The order impugned rejecting the claim of the writ petitioner for settlement of terminal and pensionary benefits due to the mother of the minor is under challenge in the present writ petition.

2.The writ petitioner states that his daughter, who was an employee as a teacher died, while in service, leaving behind the minor daughter. Now, the minor daughter is in the custody of the writ petitioner, who is the maternal grand-father. Unfortunately, the father of the minor girl also died.

3.The learned counsel for the petitioner contended that the minor girl is now pursuing Higher Secondary Course and in need of money to pay school fees, as she is studying in a private school.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

The grand-father is looking after the interest of the minor girl and therefore, the terminal and pensionary benefits due to the deceased mother of the minor daughter is to be settled in favour of the petitioner grand-father as a guardian.

4.The respondents have rejected the petitioner's claim on the ground that the petitioner has to establish the guardianship in the manner known to law, then alone, that will be settled all the terminal and pensionary benefits due to the deceased employee.

5.This Court is of the considered opinion that the legal formalities required for the department is to be complied with, in order to avoid further delay in the matter of settlement of pensionary and terminal benefits due to the deceased employee. There is no infirmity in respect of the reason given by the department that any guardian to the minor has to establish that he is the legally appointed guardian or otherwise. However, in the present case, the petitioner has not approached the competent Court of law for appointing him as a legal guardian for the settlement of terminal and pensionary benefits. Therefore, the petitioner is at liberty to approach the competent Court of law for his appointment as a guardian of the minor daughter and only after producing the relevant orders to that effect, the respondents are bound to consider the case and settle the terminal and pensionary benefits without causing any undue delay. In alternative, if the minor attained the age of majority, then also there is no impediment for the respondents to settle the terminal and pensionary benefits in favour of the daughter, after attaining the age of majority by following the procedures.

6.With these clarifications, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Ns

To

1. The Block Educational Officer,
   Palani Rural,
   Dindigul District.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

2. The Tahsildar,
   Taluk Office,
   Palani,
   Dindigul District.

+1 CC to M/s.SPL.GP (SR-17159[F] dated 07/04/2022)

W.P.(MD)No.1263 of 2021
&
WMP(MD)Nos.1068 & 1069 of 2021
06.04.2022

SG(CO)
GC(25.04.2022) 3P 4C

https://hcservices.ecourts.gov.in/hcservices/