



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 2613 of 2022

M.K.Balakrishnan

... Petitioner

Vs.

1. The Block Educational Officer,
Reddiyar Chathiram,
Dindigul,
Dindigul District.

2. The Manager / Secretary / Radhasamy Aided
Middle School,
Rajapudur,
Reddiyar Chathiram,
Dindigul District.

3. The Headmaster,
Radhasamy Middle School,
Rajapudur, Srirampuram Post,
Reddiyar Chathiram,
Dindigul District.

4. The Accountant General Office,
Office of the Payment of pension,
Thenampettai,
Chennai - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents more particularly the first respondent to disburse the death benefits and other benefits such as Gratuity for her service, Teacher Provident Fund Closure, Encashment of Earned Leave, Encashment of Unearned Leave on private affairs and also monthly pension payable to the petitioner as nominee for every month as from her death along with other benefits related to the death of the Government employee while in service forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1 to R3
Mr.P.Gunasekaran for R4



O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to disburse the death benefits and other benefits of gratuity, Teacher Provident Fund Closure, Encashment of Earned Leave, Encashment of Unearned Leave etc., to the petitioner.

2. The petitioner states that his younger sister Vasanthi, who was working as a Teacher at Radhasamy Aided Middle School, Rajapudur, Reddiyar Chathiram, Dindigul District died on 23.03.2021. The said deceased employee has no legal heirs as her husband pre-deceased her. Thus, the petitioner made a claim for settlement of terminal and pensionary benefits. Admittedly, the petitioner is a Class-II legal heir in the order of succession. Under those circumstances, the authorities has not considered the case and asked the petitioner to get an appropriate succession certificate from the Competent Court of Law.

3. In the present case, the petitioner is holding a Legal Heir Certificate. However, the Legal Heir Certificate issued by the Tahsildar to Class-II legal heirship cannot be conclusive and in the event of any dispute, the same will result in further issue. Therefore, the authorities has to first decide the correctness of the legal heirship and thereafter, consider the case. Under these circumstances, the petitioner has to submit a succession certificate to be obtained from the Competent Court of Law after adjudicating the issues and In the event of submitting the succession certificate, then alone the authorities will be in a position to consider the representation if any filed by the petitioner.

4. With these clarifications, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vji



To

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- +1 CC to M/s.SPL GP (SR-5323[F] dated 10/02/2022)

W.P. (MD) No. 2613 of 2022

09.02.2022

SS/24.02.2022 : 3P/6C