



W.P.(MD)No.4790 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4790 of 2020

and

W.M.P.(MD)No.4159 of 2020

1. C.Palaniammal
2. Chinnasamy

... Petitioners

Vs.

1. The Chief Educational Officer,
(Elementary Education),
Dindigul District, Dindigul.
2. The District Educational Officer,
(Elementary Education),
Begampur Post - 624 002,
Dindigul District, Dindigul.
3. The Assistant Elementary Educational Officer,
Sanarpatti,
Dindigul District.
4. The Accountant General,
Office of the AGS Office,
Tenampet,
Chennai - 600 018.

5. Sri Devi Bala

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to disburse the admissible share of the terminal benefits and family pension of the petitioners' deceased son Sakthivel, S/o.Chinnasamy, within a time frame that may be stipulated by this Court.

For Petitioners : Mr.S.Palani Velayutham

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3
Mr.P.Gunasekaran for R4
Mr.S.Muthukumar for R5

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to disburse the admissible share of the terminal benefits and family pension of the petitioners' deceased son Sakthivel.

2. The case of the petitioners is that the petitioners' son one Sakthivel was working as a Teacher in the Panchayat Union Elementary School at V.Kirumbapatti, Sanarpatti Union, Dindigul District and died on 16.09.2019 due to road accident. However, terminal benefits and other other



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benefits are not settled to the petitioners. Hence, the petitioners made a representation to the respondents on 20.01.2020 to disburse the admissible share of the terminal and pension benefits. But, till date, no order was passed. Therefore, the petitioners have filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioners would submit that it would suffice, if the concerned respondent is directed to dispose of the representation of the petitioners, dated 20.01.2020, on merits and in accordance with law, within a specified period.

4. The learned counsel appearing for the fifth respondent would submit that the fifth respondent is the wife of the deceased Sakthivel and she is a nominee of her deceased husband and she is having two minor children. Hence, this Court may issue a direction to the respondents to disburse the eligible terminal benefits to the fifth respondent. Since the fifth respondent is only the eligible person, the petitioners are not entitled for any benefits. Accordingly, he prayed for dismissal of this Writ Petition.



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5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the facts and circumstances of the case, this Court is inclined to issue a direction to the fourth respondent to conduct adjudication in between the petitioners and the fifth respondent and disburse the terminal benefits of the deceased employee to the eligible persons within period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

07.12.2022

Index : Yes / No

Speaking Order : Yes / No

vji



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