



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20695 of 2019

P.Chellamuthu

... Petitioner

vs.

1.The Government of Tamil Nadu
rep.by its Principal Secretary
Educational Department
Secretariat, Chennai-600 009

2.The Director
Office of the Directorate of School Education
College Road, Nungumbakkam
Chennai-600 006

3.The Chief Educational Officer
Pudukottai District

4.The District Educational Officer
Pudukottai
Pudukottai District

5.The Head Master
Govt. Boys Higher Secondary School
Manamelkudi
Pudukottai District-614 620

6.The Commissioner
Government Data Centre
Chennai-600 025

7.The Account General (A&E)
Tamil Nadu, Chennai-600 018

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to sanction and disburse the CPS and retirements benefits to the petitioner payable to his brother P.Chellaswamy who worked as an Assistant Teacher in the 5th respondent School died on 18.04.2017 by considering the petitioner's representation dated 15.06.2018.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R1 to R6

Mr.P.Gunasekran for R7



O R D E R

The relief sought for in this writ petition is to direct the respondents to sanction and disburse CPS and retirements benefits to the petitioner payable to his brother P.Chellaswamy, who served as Assistant Teacher in the fifth respondent School and died on 18.04.2017, by considering his representation dated 15.06.2018.

2. The learned counsel appearing for the petitioner submits that the petitioner has given the death certificate of the deceased employee to the respondents in support of his claim.

3. The learned Additional Government Pleader appearing for the respondents 1 to 6 submits that the petitioner has not produced the legal heir certificate of the deceased employee. Even otherwise also, the deceased employee was having two sisters and regarding this, the learned counsel for the petitioner submits that the sisters of the deceased employee died, however, he admits that their children are there.

4. This being the complex nature of facts and circumstances, the petitioner has to approach the competent Civil Court of law for establishing his rights. Only then, the Authorities would be in a position to consider the disbursement of terminal and pensionary benefits of the deceased employee. For which purpose, a succession certificate is required and for that all the necessary parties are to be impleaded by following the procedures. Thus, the petitioner is at liberty to submit all relevant documents to establish his rights for the purpose of considering his case.

5. With the above observation, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The Principal Secretary,
Educational Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.



2.The Director,
Office of the Directorate of School Education,
College Road, Nungumbakkam,
Chennai-600 006.

3.The Chief Educational Officer,
Pudukottai District.

4.The District Educational Officer,
Pudukottai,
Pudukottai District.

5.The Head Master,
Govt. Boys Higher Secondary School,
Manamelkudi,
Pudukottai District-614 620.

+1 CC to M/s.S. SIVAKUMAR, Advocate (SR-21232[F] dated 26/04/2022)

+1 CC to M/s.SPL.GP. (SR-21894[F] dated 27/04/2022)

W.P. (MD) No.20695 of 2019
26.04.2022

KMK (CO)
KB (09.05.2022) 3P 8C