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W.P.(MD)No.5904 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5904 of 2023
and
W.M.P.(MD)No. 5488 of 2023

S.Shathya

... Petitioner

Vs.

- 1.The District Educational Officer (Elementary),
Virudhunagar Subbiah Nadar School Campus,
Virudhunagar District.
- 2.The Block Educational Officer,
Tiruchuli Union,
@ M.Reddiyapatti,
Virudhunagar District.
- 3.The Accountant General (A&E),
Tamil Nadu,
361, Anna Salai,
Chennai - 600 018.
- 4.The Sub-Treasury Officer,
Tiruchuli,
Virudhunagar District.

5.R.Lakshmi

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, for a direction, directing the



respondents No.1 to 4 not to disburse the Death cum Retirement Gratuity to the tune of Rs.20,00,000/-(Twenty Lakh Rupees) of the petitioner's deceased mother namely R.Pandaribai in favour of the respondent No.5 and to proportionately disburse the DGRG benefits among the legal heirs of the petitioner's deceased mother within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy and Associates
For R1,R2 and R4 : Mr.N.Setheeshkumar
Additional Government Pleader
For R3 : Mrs.P.Mahalakshmi,
Standing Counsel
For R5 : Mr.M.Jothibasu

* * *

ORDER

Heard the learned counsel for the petitioner.

2. One Pandari Bai was employed as Secondary Grade teacher in Panchayat Union Primary school, Vannathiyenthal, Thiruchuli Union, Virudhuangar District. She passed away on 16.06.2022 by committing suicide. The petitioner was born through the wedlock between the said Pandaribai and Sekar. The matrimonial relationship between the two



came under strain and ended in divorce on 16.11.2017 in H.M.O.P.No.33 of 2007 on the file of the Sub Court, Aruppukottai. The question that arises for consideration is whether, the petitioner and her younger brother are entitled to the terminal benefits payable on account of the demise of the Pandari Bai. Since the petitioner and her brother are with the father Sekar, objection was raised by the fifth respondent who is none other than the mother of Pandari Bai. On account of the dispute between the grandmother and the grand children, the department has been withholding the payment. That led to the filing of the writ petition.

3. During the pendency of the writ petition, the fifth respondent also joined her daughter. As a result there is no other claimant. The petitioner is permitted to submit a fresh application containing all the relevant details and documents before the second respondent. The second respondent shall forward the same through the first respondent to the third respondent.

4. I am satisfied that only the children of the deceased Pandari Bai will have to be given the terminal benefits. I consciously refrain from quantifying the same. Whatever is eligible to be paid to the legal



heirs of the deceased Pandaribai, shall be paid. This exercise shall be done within a period of 16 weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition stands closed.

27.04.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

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To

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Virudhunagar District.
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G.R.SWAMINATHAN,J.

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