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W.P.(MD)NO.9540 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9540 of 2023

A.Thimo Libas Raja

... Petitioner

Vs.

1. The District Educational Officer (Elementary Education),
Sivagangai,
Sivagangai District.

2. The Block Educational Officer,
Kalaiyarkovil,
Sivagangai District.

3. The Accountant General (A&E),
361, Anna Salai,
Thenampettai,
Chennai – 18.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction the Gratuity, Provident Fund and other entitled benefits to the petitioner as per the nomination made in the service register of the petitioner's mother S.Thayalam.

For Petitioner : Mr.V.Panneer Selvam

For R-1 & R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-3 : Mr.R.Saravanakumar

* * *

**ORDER**

Heard the learned counsel on either side.

2. The petitioner's mother Thayalam passed away on 03.09.2022. She was working as Secondary Grade Teacher in Panchayat Union Elementary School, Yerivayal, Kalaiyarkovil Union, Sivagangai District. According to the petitioner, his father Antony Das disappeared in April 2014 and he has not been heard ever since.

3. The specific stand of the petitioner is that he has been shown as nominee in the service register of his mother.

4. However, the respondents are insisting that the petitioner must furnish the legal heir certificate.

5. No exception can be taken to the demand made by the respondents. The petitioner shall approach the jurisdictional Tahsildar for issuance of legal heir certificate. The jurisdictional Tahsildar shall give the legal heir certificate as sought for within a period of four weeks after



holding due enquiry. The jurisdictional Tahsildar can very well mention the petitioner's father as also one of the legal heirs.

6. Since the petitioner has been shown as nominee, the department shall disburse DCRG and other benefits to the petitioner and there will not any insistence that the petitioner must produce death certificate or any appropriate declaration from the civil Court in this regard. If the petitioner's father is also having any share as regards the payment of pension, unless the petitioner is able to produce the decree from the jurisdictional civil Court, it shall not disbursed. All the other monetary benefits shall be paid to the petitioner. This writ petition stands allowed on these terms. No costs.

07.06.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Educational Officer (Elementary Education),
Sivagangai, Sivagangai District.
2. The Block Educational Officer,
Kalaiyarkovil, Sivagangai District.



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G.R.SWAMINATHAN,J.

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