



W.P.(MD).No.21215 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.21215 of 2023

R.Ravichandran

... Petitioner

Vs

1. The Director of School Education,
DPI Compound, College Road,
Chennai.
2. The Chief Educational Officer,
Multi Officers Block I, Behind Collectorate,
Theni 625 531.
3. The District Educational Officer,
Theni Educational District,
Master Plan Complex, Allinagaram,
Theni 625 531.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to disburse the petitioner's pensionary benefits within a time frame as may be stipulated by this Court by considering the petitioner's representation, dated 10.08.2023.



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For Petitioner : Mr.J.Pooventherarajan

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondents to disburse the petitioner's pensionary benefits, within a time frame as stipulated by this Court, by considering the petitioner's representation, dated 10.08.2023.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, Mr.J.Pooventherarajan, learned counsel appearing for the petitioner and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner worked as a Post Graduate Assistant in Zamindharani Kamulammal Memorial Higher Secondary School and on attaining the age of superannuation, he retired from service, with effect from



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30.06.2023. Though the petitioner retired from service, till date he was not settled with the pensionary benefits.

(ii)The petitioner got married with one Murugeshwari and she died on 04.12.2019. Thereafter, he married on Vijayabala on 24.08.2020, as per Hindu Rites and Customs. However, within a short span of 10 days, indifferences crept in the matrimonial life between the petitioner and said Vijayabala, resulting which, the said Vijayabala filed various matrimonial cases before various Courts, including M.C.No.102 of 2022 before the Family Court, Theni, D.V.O.P.No.20 of 2022 before the Judicial Magistrate Court, Bodinayakanur and H.M.O.P.No.61 of 2021 on the file of Sub Court, Theni, now transferred and renumbered as H.M.O.P.No.497 of 2022 on the file of Family Court, Theni. As a result of which, the petitioner has also filed a petition for dissolution of marriage in H.M.O.P.No.406 of 2022 before the Family Court, Theni.

(iii).In the meanwhile, the petitioner retired from service. While so, the said Vijayabala filed WP(MD)No.7700 of 2023 before this Court, seeking a direction to the respondents to withheld the terminal benefits of the petitioner and the said writ petition was disposed of on 05.04.2023, by giving liberty to the petitioner therein, ie., Vijayabala to file Interlocutory Application



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in H.M.O.P.No.61 of 2021 on the file of Sub Court, Theni, now transferred and renumbered as H.M.O.P.No.497 of 2022 on the file of Family Court, Theni.

(iv) Thereafter, a settlement was arrived between the petitioner and said Vijayabala and an amount of Rs.16 lakhs was settled by the petitioner to Vijayabala as one time settlement. The joint memo, dated 24.05.2023, which was signed by both the petitioner and said Vijayabala, in the presence of their Advocates and thereafter, the said joint memo was filed before the learned Judicial Magistrate, Theni in M.C.No.102 of 2022 as well as in H.M.O.P.No. 497 of 2022 before the learned Additional District Judge, Family Court, Theni. Recording the said settlement arrived between the parties, aforesaid H.M.O.P.No.497 of 2022 was dismissed as not pressed without costs, by the learned Judge.

5. Since the disputes between the petitioner and aforesaid Vijayabala were resolved, the petitioner made a representation before the respondents on 10.08.2023, to disburse the pensionary benefits and the same was not considered. Hence, this writ petition came to be filed.



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6.The learned Government Advocate, appearing for the respondents submitted that the respondents do not have any difficulty in disbursing the pensionary benefits to the petitioner, for which, he is entitled, provided that he has to submit an undertaking affidavit, incorporating the settlement made between him and his former wife Vijayabala, filing of joint memo before the Family Court, Theni in HMOP No.497 of 2022 and confirmation as to the settlement of one time maintenance amount to said Vijayabala. On receipt of the same, the representation of the petitioner could be considered by the respondents.

7.It is further contended by the learned Government Advocate that only on 12.06.2023 this Court in WP(MD)No.7700 of 2022 has extended further time for filing Interlocutory Application in H.M.O.P.No.61 of 2021 on the file of Sub Court, Theni, now transferred and renumbered as H.M.O.P.No. 497 of 2022 on the file of Family Court, Theni. But, it is understood from the order passed by the learned Additional District Judge, the H.M.O.P No.497 of 2022, which is in question was disposed of as early as on 24.05.2023. However, this will not stand in the way of disbursing the terminal benefits to the petitioner.



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8.In view of the above facts and circumstances of the case, this Court hereby directs the petitioner to submit a fresh representation, along with an undertaking affidavit before the third respondent, within a period of one week, from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to forward the same immediately to the second respondent, who in turn, would issue a No Objection Certificate and forward the same to the first respondent, along with the representation of the petitioner. The first respondent shall thereby pass necessary orders to disburse the pensionary benefits to the petitioner, within a period of ten (10) weeks, from the date of receipt of fresh representation filed by the petitioner.

9.Accordingly, this writ petition stands disposed of. There shall be no order as to costs.

08.09.2023

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



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To
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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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