



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P. (MD) No.6780 of 2016

Selvarani

... Petitioner

vs.

1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-9.

2.The Principal Accountant General (A&E),
Chennai-8.

3.The Manager,
P7Gs, Department Unit,
3rd Floor, LIC, Anna Salai,
Chennai-2.

4.The Chief Educational Officer,
Tuticorin District.

5.The District Educational Officer,
Tuticorin District.

6.The Head Master,
Senaiyar Kalaimagal High School,
Eeratchi, Ettayapuram Taluk,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 6th respondent in Na.Ka.No.19/2015, dated 04.08.2015 and the subsequent order passed by the 6th respondent in Na.Ka.No.19/2016, dated 01.02.2016 and to quash the same as illegal and consequently, to direct the respondents to pay the pension and gratuity and other insurance and medical benefits of petitioners husband Vincent Josephraj within stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For R1, 4 and 5 : Mr.V.Om Prakash
Government Advocate



For R2 : Mr.P.Gunasekaran
For R6 : Mr.G.Thalaimutharasu
For R3 : None Appearance

O R D E R

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This writ petition is filed for writ of Certiorari Mandamus, to quash the order passed by the 6th respondent, dated 04.08.2015 and the subsequent order passed by the 6th respondent, dated 01.02.2016 and consequently, to direct the respondents to pay the pension and gratuity and other insurance and medical benefits of petitioner's husband Vincent Josephraj within stipulated time.

2. The petitioner's husband was serving as Physical Education Teacher in the 6th respondent School which is an aided private School. On 27.07.2012, while he was in service, he died due to hypertension. Even after the lapse of three years, the respondents have not paid the terminal benefits, gratuity, pension, group insurance scheme benefits, etc. Hence, the petitioner approached the 6th respondent to disburse the same. However, the same was declined and directed the petitioner to submit the certificate from the Society where the deceased husband had borrowed money. The impugned order also directs to submit the certificates documents stated in Serial Nos.1 to 4.

3. The learned Counsel appearing for the petitioner submitted that the petitioner is willing to submit the said certificates started in Serial No.1 to 4 again. However, as far as the Serial No.5 is concerned, the then Headmaster had lend money to the petitioner's deceased husband. The Headmaster has stated in the impugned order that unless the same is paid, the terminal benefits of the petitioner's deceased husband will not be paid. Challenging the said order, the present writ petition is filed.

4. Pending writ petition, the official respondents have disbursed the family pension to the petitioner from 27.07.2012 onwards and the same is evident from the communication by the Treasury Office to the District Educational Officer, vide letter, dated 25.01.2023.

5. The learned Counsel for the petitioner submitted that the respondents have not disbursed the other benefits like the gratuity, group insurance scheme and other medical benefits, etc.

6. Therefore, this Court is directing the 6th respondent to forward the proposal to disburse the other benefits to the appropriate authority within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the official respondents shall pay the same within a period of six weeks therefrom. The impugned order is quashed to the extent stated above.



WP(MD)



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7. With the above said observation, the writ petition is allowed. No costs.

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Sd/-

Assistant Registrar()

/07/2023

Sub Assistant Registrar(CS)

Tmg

To

- 1.The Secretary to Government,
School Education Department,
Secretariat, Chennai-9.
- 2.The Chief Educational Officer,
Tuticorin District.
- 3.The District Educational Officer,
Tuticorin District.

+1 CC to M/s.T.A.EBENEZER, Advocate (SR-26548[F] dated 07/06/2023)

W.P.(MD)No.6780 of 2016

05.06.2023

MK/08.07.2023 3P 5C