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W.P.No.20940 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.20940 of 2009

and

M.P.No.01 of 2009

D.Lakshmidevi

....Petitioner

Vs

1. The Chief Educational Officer,
Office of the Chief Educational Officer,
Chennai.
2. The Additional Assistant Primary Education Officer,
Office of the Assistant Primary Educational Officer,
Gudu Saibu Street,
Sakkarapuram,
Ginjee – 604 202,
Villupuram District.
3. J.Kasthuri
4. D.Kavitha

....Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the Respondents 1 and 2 to disburse the Death-cum Retirement Benefits, Pensionary Benefits, Gratuity, General Provident Fund and other monetary benefits accrued, accumulated



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due to the deceased R.Dhandapani, Craft Instructor of Panchayat Union Middle School, Jayankondam, out of the above said amounts payable, disburse 2/3rd of the total amount payable to the petitioner as per the Compromise Decree dated 14.02.2007 made in A.S.No.28 of 2006.

For Petitioner : Mr.S.R.Sundaram

For R1 & R2 :Mr.Rajarajeswar
Government Advocate

For R3 : Dismissed vide order dated 03.03.2020

For R4 : No appearance

ORDER

This Writ Petition is filed seeking direction to the Respondents 1 and 2 to disburse the Death-cum Retirement Benefits, Pensionary Benefits, Gratuity, General Provident Fund and other monetary benefits accrued, accumulated due to the deceased R.Dhandapani, Craft Instructor of Panchayat Union Middle School, Jayankondam, out of the above said amounts payable, disburse 2/3rd of the total amount payable to the petitioner as per the Compromise Decree dated 14.02.2007 made in A.S.No.28 of 2006.

2. It is the submission of the learned counsel for the petitioner that



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petitioner and 4th respondent are two wives of the deceased R.Dhandapani.

He was working as Craft Instructor at Panchayat Union Middle School, Jayankondam. After his death, rival claims were raised, with regard to disbursement of his terminal benefits and that resulted in filing of suit in O.S.No.372 of 1995 by the 4th respondent and her children against one Nagammal and the petitioner. That suit was dismissed. Against which, appeal in A.S.No.28 of 2006 was filed before the Sub Court, Gingee. During the pendency of the appeal, parties were entered into compromise, whereby parties agreed that, 1/3rd of the terminal benefits of the deceased is to be paid to Kasthuri and her children and 2/3rd of the terminal benefits is to be paid to the petitioner herein and it was also agreed that, Kavitha is to be given employment under compassionate ground and that future pensionary benefits is also to be paid to Kasthuri.

3. It is the further submission of the learned counsel for the petitioner that, nothing happened thereafter. Therefore, present petition is filed.

4. In reply, the learned counsel for the respondents 1 and 2 submitted



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that, after compromise of decree, petitioner was asked to submit the following documents:

- 1) ஓய்வூதிய முன்மொழிவுகள்
- 2) இறப்புச்சான்று
- 3) வாரிசுசான்று - நீதிமன்ற தீர்ப்பின்படி வருவாய் வட்டாட்சியரிடமிருந்து பெற்று சமர்ப்பிக்க வேண்டியது
- 4) கவிதா என்பவருக்கு கருணையடிப்படையில் வேலைவாய்ப்பு கோரும் முன்மொழிவுகள்

Till now, these documents were not submitted and therefore, no order was passed on their claim.

5. The learned counsel for the petitioner is not able to confirm whether petitioner had submitted these documents already. He is prepared to instruct the petitioner to submit the papers again for processing.

6. In the said circumstances, this Court directs the petitioner to submit documents required by the Department in the proceedings in R.C.No.927/B1/2007 dated 31.10.2007 within a period of two weeks from the date of receipt of copy of the order and on receipt of the same respondents 1 & 2 are directed to pass orders in the manner known to law, within two months thereafter.



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7. In view of the death of Kasthuri, it is no more possible for disbursing family pension to her. Only person who is entitled for family pension is the petitioner. Therefore, the respondents 1 & 2 are directed to take appropriate action on the basis of the documents produced for disbursing the family pension to the petitioner and other pensionary benefits as decided between the parties in the compromise entered between them in the civil suit.

8. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

Index :Yes/No
Internet:Yes/No
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G.CHANDRASEKHARAN, J
Sma



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To

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