



W.A.No.2159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.09.2024

CORAM :

THE HON'BLE MR.D.KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

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R.Sasivarnam

.. Appellant

Vs

1.The Accountant General,
Office of the Principal AG & AE.,
Anna Salai, Chennai-600 018.

2.The Director of Pensioner,
Amma Valagam, 3rd Floor,
Chennai-600 003.

3.The District Educational Officer,
Coimbatore District,
Coimbatore.

4.The District Collector,
Office of the Collectorate,
Coimbatore.

5.The District Educational Officer,
SS Kulam, Ondiputhoor,
Coimbatore.

.. Respondents



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Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 4.1.2024 passed by the learned Single Judge in W.P.No.16100 of 2022.

For the Appellant : Mr.P.Muthusamy

For the Respondents : Mr.S.Yashwanth
Addl. Government Pleader
for respondents 2 to 5

JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

This writ appeal is directed against the order dated 4.1.2024 passed by the learned Single Judge dismissing the writ petition filed by the original writ petitioner.

2. The writ petition has been filed by the appellant for issuance of a writ of mandamus directing the respondents to grant the appellant all the retiral benefits, including monthly pension with arrears, from the date of retirement of the appellant's late husband Rangasamy.



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3. The learned Single Judge dismissed the writ petition holding that the appellant's husband did not even complete ten years of service and while he was relieved from the post, he did not even make any claim in respect of his terminal benefits till his demise. Further, before the demise of the appellant's husband, he made a representation on 1.3.2022 claiming pension, that too, without claiming any terminal benefits. The appellant is not able to produce any relevant document such as service register, relieving order, retirement order or family pension order to claim any benefit based on the service rendered by her deceased husband.

4. Learned counsel for the appellant submitted that the appellant's husband, namely Rangasamy, served as a Physical Education Teacher from 4.6.1956 to 6.7.1969 at various places i.e. S.L.N.M. School at Palladam; Karavavi Sri Venkateshwara Higher Secondary School at Appanaickenpatti and Chockang Chettiar Mallammal Higher Secondary School at Vathamcheri. Despite satisfying the requirement of rendering continuous service of more than ten years, the learned Single Judge failed to consider the same.



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Further, the learned Single Judge refused to receive the documents filed in the form of additional documents, which are the proof of completion of ten years of service, during the arguments.

5. Learned counsel for the appellant further submitted that the appellant is ready to produce all relevant documents of the appellant's husband before the educational authority concerned and the educational authority may verify the same and, if satisfied, grant all the retiral benefits, including the monthly pension to the appellant.

6. Learned Additional Government Pleader appearing for respondents 2 to 5 has no serious objection against granting permission to the appellant to submit the relevant documents before the fifth respondent.

7. In the light of the above and in the interest of justice, we direct the appellant to produce all the original documents/certificates pertaining to the service particulars of the appellant's



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husband before the fifth respondent/District Educational Officer, Coimbatore, within a period of two weeks from the date of receipt of a copy of this judgment. Upon receipt of the original documents/certificates, the fifth respondent shall verify the genuineness of the same and take a decision on its own merits, within a period of twelve weeks thereafter.

8. Accordingly, the impugned order of the learned Single Judge is set aside and the appeal is allowed in terms aforesaid. There shall be no order as to costs.

(D.K.K., ACJ.) (M.J.R., J.)
25.09.2024

Index : Yes/No
NC : Yes/No
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To

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THE HON'BLE ACTING CHIEF JUSTICE
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M.JOTHIRAMAN, J.

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