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W.P.No.16384 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2024

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.16384 of 2024

A.Periyasamy

...Petitioner

vs.

1.Account General (Accounts & Entitlement)

361, Anna Salai,
chennai – 600 018.

2.District Education Officer,
Perundurai Education District,
Erode District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus seeking direction to the respondents to disburse the commutation and Death Cum retirement gratuity, with interest at 12% per annum with effect from 15.04.2022 for the service rendered by the petitioners wife Late Na.Boopathiammal as a Government Elementary School, P.Kasipalayam, Chenimalai Union, within the stipulated time fixed by this court and pass such further orders.

For Petitioner : Mr.K.Balakrishnan

For Respondents : Mr.S.Bindran for R1



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Mrs.S.Mythreye Chandru for R2
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus, seeking to direct the respondents to disburse the Commutation and Death Cum Retirement Gratuity, with interest at 12% per annum with effect from 15.04.2022 for the service rendered by the petitioner's wife Late Na. Boopathiammal as a Headmistress in Government Elementary School, P.Kasipalayam, Chenimalai Union within the time frame fixed by this Court.

2. Heard, Mr.K.Balakrishnan, learned counsel for the petitioner, Mr.S.Bindran, learned counsel for the first respondent and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the second respondent.

3. The learned counsel for the petitioner would submit that the petitioner's wife Late Na. Boopathiammal joined the Tamil Nadu Education



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Department as a Secondary Grade Teacher on 18.12.1989 and was posted in the Government Elementary School, Thottikinaru, Ammapettai Union, Gobichettipalayam Educational District.

4. While that being so, due to various health ailments, the petitioner's wife made an application to the respondent Department under the Voluntary Retirement Scheme while she was working as a Headmistress in the Government Elementary School, P.Kasipalayam, Chenimalai Union. The same was accepted and a final order was passed by the second respondent in Mu.Mu.No.02024/A4/2022, dated 01.04.2022. Consequential to the said order, the petitioner's wife was allowed to voluntarily retire from the said post vide proceedings in Na.Ka.No.257/A1/2021, dated 13.04.2022, unfortunately, his wife passed away on 15.04.2022.

5. The learned counsel would further submit that after the demise of the petitioner's wife, the petitioner had applied for grant of terminal benefits to the first and second respondent and the same was sanctioned which includes DCRG, family pension and other benefits. Later, it was found that the



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respondents failed to sanction the commutation benefits and that there was also disparity in the quantum of the sanctioned DCRG. Thereafter, the petitioner had approached the respondents for sanction of the exact DCRG payable as per the relevant Rules. The learned counsel would submit that when petitioner's wife was relieved, she had signed the pension sanction application form in which she has opted for the grant of commutation benefits. Though the petitioner had made various representations to the respondents for the past two years, the respondents had not taken any steps to initiate action on petitioner's representation. Therefore, the petitioner was constrained to file the present Writ Petition with the above relief.

6. The learned counsels appearing for the respective respondents would submit that the petitioner's request will be considered by the respondents and appropriate orders will be passed within the time frame fixed by this Court.

7. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record



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before this Court.

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8. Taking into consideration the above submissions and without expressing any opinion on the merits of the case, this Court is inclined to direct the respondents to consider the petitioner's request to disburse the commutation and Death Cum Retirement Gratuity, with interest which was prevailing on the said date, if it is belated otherwise and pass appropriate orders within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. No costs.

07.11.2024

gba
Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No



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Mrs.BHAVANI SUBBAROYAN,J.

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