



WP(MD) No.16644 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16644 of 2024
and
W.M.P(MD)No.14414 of 2024

D.Soosaiammal

... Petitioner

Vs.

1. The Director of Treasuries and Accounts,
The Department of Treasuries and Accounts,
9 Jones Road,
Saidapet,
Chennai.

2. The District Educational Officer (Elementary School),
Virudhunagar,
Virudhunagar District.

3. The Assistant Educational Officer,
Sattur,
Virudhunagar District.



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4. The Block Educational Officer-1,
the Block Educational Office,
Sattur,
Virudhunagar District.

...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 1 to 4 to disburse all the amount payable including Family Benefit Fund, Gratuity Fund, Provident Fund etc., to this Petitioner, as the legal heir of the deceased Rajalakshmi, who worked as a teacher, in the Panchayat Union Primary School, Sattur, Virudhunagar District and died on 13.04.1976, as per the representations and reminders dated 25.09.2023 and 10.10.2023.

For Petitioner : Mr. F.X.Eugene

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 4 to disburse all the amount



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payable including Family Benefit Fund, Gratuity Fund, Provident Fund etc., to this Petitioner, as the legal heir of the deceased Rajalakshmi, who worked as a teacher, in the Panchayat Union Primary School, Sattur, Virudhunagar District and died on 13.04.1976, as per the representations and reminders dated 25.09.2023 and 10.10.2023.

2. Heard Mr.F.X.Eugene, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was a spinster and unemployed. The petitioner's brother, Appadurai Rajasekar was an employee in Electricity Board and his wife Rajalakshmi was a Teacher in Panchayat Union Primary School. On 13.04.1976 in an accident, due to the fight between rival groups, in a fire incident, the entire family members were dead. Since all the family members died, the petitioner and her another



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brother Gnanaiah @ Ezhilan became their legal heirs and obtained legal heir certificate. The petitioner filed an application seeking to disburse the amount payable to the legal heirs of the deceased Rajasekar and Rajalakshmi. Since the respondents, failed to disburse the same, the petitioner had filed W.P.No.10879 of 1982 and thereafter, the same was transferred to the Tamil Nadu Administrative Tribunal. On 18.12.1992, the Tribunal ordered to pay the amount payable to the legal heirs of the deceased Rajalakshmi. Thereafter, the petitioner and her brother made several representations to the respondents then and there. Since the same has not been considered so far, the petitioner has filed this writ petition.

5. The learned Counsel for the petitioner would submit that though the petitioner made several representations to the respondents seeking to disburse all the amount of terminal benefits, the respondents have not considered the same so far and hence, he prayed for a direction to the respondents to consider the representation of the petitioner.



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6. It is needless to point out that whenever a representation of this nature is made to a Government Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders, instead of keeping the same pending indefinitely. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioner has made out a case for invoking extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with a direction to consider the representation of the petitioner within a specified time frame.

7. In the light of the above observations, this Writ Petition is **disposed of** and the respondents are directed to consider the petitioner's representation and reminder dated 25.09.2023 and 10.10.2023 on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents to



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consider the same on its own merits. No costs. Consequently,
connected miscellaneous petition is closed.

24.07.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16644 of 2024

Dated:
24.07.2024