

W.P.No.4999 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.4999 of 2025

K. Babu

... Petitioner

Vs

1. The Director of School Education
DPI Campus, College Road,
Chennai 600 006.

2. The Chief Educational Officer,
Thirupattur District.

3. The District Educational Officer
Thirupattur District.

4. The Correspondent / Secretary
T.K.V.Government Aided School,
Vaniyambadi
Thirupattur 635 751

5. The Principal Accountant General
(A & E) Tamil Nadu
361, Anna Salai,
Teynampet,
Chennai 600 018.

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India,
to issue Writ of Mandamus to direct the respondents more particularly the 4th



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respondent to forward the proposal for the purpose of release of the terminal benefits of the petitioner's wife Ms.Malarkodi as per the proceeding of the 2nd respondent dated 29.08.2024 and accordingly direct the respondents to release the terminal benefits such as Gratuity, Provident Fund, Special Provident Fund, Earned Leave, Unearned Leave to the credit of the petitioner's wife Mrs.Malarkodi and the eligible family pension to the petitioner within a time frame fixed by this Court.

For Petitioner : Mrs.Dakshayani Reddy
Senior Counsel for
Ms.S.Suneetha

For Respondents : Mrs.P.Raja Rajeswari
Government Advocate for R1 to R3
Mr.S.N.Ravichandran
for R4

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents more particularly the 4th respondent to forward the proposal for the purpose of release of the terminal benefits of the petitioner's wife Ms.Malarkodi as per the proceeding of the 2nd respondent dated 29.08.2024 and accordingly direct the respondents to release the terminal benefits such as Gratuity, Provident Fund, Special Provident Fund, Earned Leave, Unearned Leave to the credit of the petitioner's wife Mrs.Malarkodi and



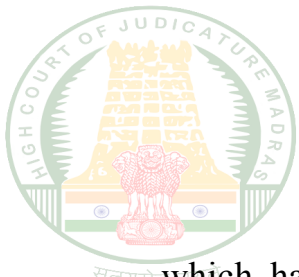
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Court.

the eligible family pension to the petitioner within a time frame fixed by this

2. In the affidavit filed in support of the writ petition, it had been contended that the wife of the petitioner Malarkodi was appointed as Secondary Grade Teacher under the 4th respondent on and from 23.09.1988. She was promoted to the post of B.T., Assistant on and from 01.08.2008. She had submitted her Voluntary Retirement Service proposal to the 4th respondent on 01.10.2015. That particular proposal was not in an appropriate form. It had been forwarded by the 4th respondent for further approval to the other respondents but the respondents had returned the same. In the meanwhile, the wife of the petitioner died on 08.12.2022. The proposal given by her to retire from service could now never be forwarded. She did not attend work from 01.10.2015. The 4th respondent initiated proceedings charging her with absence. She died on 08.12.2022.

3. The only issue is with regard to the period of service from 01.10.2015 till her death on 08.12.2022. The respondents have considered that since she did not discharge work, she is not entitled for any payment but the benefits



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which had accrued to her during the period of service from 23.09.1988 till 30.09.2015 must be paid to her. In this connection, the 4th respondent is directed to forward a proposal that she is deemed to be in service till 08.12.2022 but not entitled for monetary benefits from 01.10.2015 till her death/08.12.2022, That particular proposal may be forwarded to the third respondent/District Educational Officer who may further forward it to the Chief Educational Officer who may pass necessary orders.

4. A direction is issued to the 4th respondent to forward a proposal in the aforementioned terms within a period of four weeks from the date of receipt of a copy of this order and on receipt of such communication from the 4th respondent, the 2nd & 3rd respondents may pass appropriate orders within a further period of four weeks.

5. With the above direction, the writ petition is disposed of. No costs.

25.02.2025

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Index : Yes /No

Speaking Order : Yes/No



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C.V.KARTHIKEYAN, J.

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