



WEB COPY



W.P.No.5324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.5324 of 2023

and

W.M.P.No.3827 of 2023

C.Aditya

... Petitioner

vs.

1. The Commissioner,
Commissionerate of School Education,
School Education Department,
DPI Campus, College Road,
Chennai 600 006.
2. The District Education Officer,
Chengalpattu District Education Centre,
Chengalpattu.
3. The Secretary,
School Committee,
Dr.Mangalam High School,
Kattankolathur,
Chengalpattu 603 203.
4. The Head Master,
Dr.Mangalam High School,
Kattankolathur,
Chengalpattu 603 203.

... Respondents



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Writ Petition is filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus directing the 2 to 4 respondents to settle the EL, ELS, PF and all other applicable retirement benefit of the petitioner's mother namely M.Indira(Secondary Grade Teacher) payable to the petitioner within a stipulated time.

For Petitioner : Mr.G.Peranban

For R1 to R3 : Mr.T.M.Rajangam
Govt.Advocate

For R4 : Mr.V.Ramesh
for Mr.T.Thiyagarajan

ORDER

The present writ petition has been filed to issue a writ of Mandamus directing the 2 to 4 respondents to settle the EL, ELS, PF and all other applicable retirement benefit of the petitioner's mother namely M.Indira(Secondary Grade Teacher) payable to the petitioner within a stipulated time.



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2. The case of the petitioner is that the petitioner's mother was working as a Secondary Grade Teacher at Dr.Mangalam High School (Aided) at Kattankolathur, Chengalpattu District. While his mother was working in third respondent school, she expired on 26.04.2021. After the demise of his mother, he applied legal heir certificate. During the life time of his mother filed H.M.O.P.No.485 of 2009 before the Subordinate Judge, Tambaram and the same was allowed on the ground that the marriage was dissolved between his mother and father. Thereafter, the petitioner had made a representation dated 28.06.2022 through the third and fourth respondents for retirement benefits and other benefits. But the School Committee failed to make entry in Service Register and also failed to fix pay of Rs.43,800/- since the second respondent returned the School recommendation vide letter dated 21.10.2022. Again, the petitioner sent several requests to the third and fourth respondents. However, no order has been passed till date. Therefore, the petitioner has come forward with the present writ petition.



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WEB COPY 3. The learned counsel appearing for the fourth respondent submitted that already Provident Fund has been settled to the petitioner's mother. A proposal was sent by the third respondent dated 31.08.2023 to the second respondent with regard to pay fixation and the same will be considered on merits and in accordance with law, within a time frame stipulated by this Court.

4. Heard the leaned counsel on either side and also perused the materials available on record.

5. In view of the above submissions made by the learned counsel appearing on either side, the second respondent is directed to consider the proposal sent by the third respondent dated 31.08.2023 in regard to pay fixation of the mother of the petitioner on merits, in accordance with law and pass appropriate orders, within a period six weeks from the date of receipt o a copy of this order.



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6. This writ petition is disposed of with the above observation and direction. No costs.

24.01.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking : Non-speaking order
kkd

To

1. The Commissioner,
Commissionerate of School Education,
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DPI Campus, College Road,
Chennai 600 006.
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Chengalpattu.
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J.SATHYA NARAYANA PRASAD, J.

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