



W.P.(MD)No.8281 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8281 of 2025
and WMP(MD)No.6211 of 2025

1.M.Naagalakshmi
2.N.Banumathi
3.N.Bhargavi

... Petitioners

Vs.

1. The District Collector,
O/o the District Collector,
Trichy District – 620 001

2.The Tahsildar,
O/o the Tahsildar,
Manaparai,
Trichy District. 621 306

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to act upon the representation of the petitioners dated 07.07.2024 and to direct the respondents to disburse the family pension with effect from 28.11.2000, DCRG, Earned leave Encashment, GPF and all other admissible benefits along with the interest to the second petitioner herein.

For Petitioners : M/s.Manne Ramya
For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader



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ORDER

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This writ petition is filed seeking a direction to the respondents to disburse the family pension with effect from 28.11.2000, DCRG, Earned leave Encashment, GPF and all other admissible benefits along with the interest to the second petitioner herein by considering the representation of the petitioners dated 07.07.2024.

2. Heard the learned counsel for the petitioners and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. The facts of the case are herein under:

(i) The husband of the petitioner, M.Nagarajan, who worked as Office Assistant in the office of the second respondent, has passed away in harness on 24.05.2000, leaving behind the petitioners as his legal heirs. The first petitioner is his mother, aged 91 years, the third petitioner is his daughter, aged 29 years and the second petitioner is the wife of the deceased employee. After the death of the deceased employee, the second respondent herein paid only Rs.5,000/- towards funeral expenses. Despite repeated requests, the second respondent has



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not disbursed the family pension and other terminal benefits due to the death of the deceased employee. The petitioners sent a representation to the second respondent on 28.11.2000 requesting payment of family pension and other terminal benefits. Subsequently, the petitioners sent several representations to the respondents. Thereafter, the second respondent instructed the second petitioner to visit his office and to sign necessary forms for granting family pension and other terminal benefits vide his communication dated 25.09.2001. The second petitioner complied the same. Even thereafter, no action has been taken by the second respondent to process the family pension and to disburse the terminal benefits.

(ii) Having exhausted, the second petitioner filed a writ petition in WP.No.12173 of 2002 before the Principal Seat of this Court. Vide order dated 11.04.2002, the Court directed the respondents therein to consider the representation of the petitioner on merits and pass orders within three months from the date of receipt of the copy of the order. The second petitioner also intimated the second respondent that she is willing to share the family pension with the first petitioner, who is her mother-in-law. The Court further directed the second respondent to take the willingness of the second petitioner while taking decision on the claim. This Court further clarified that if the respondents



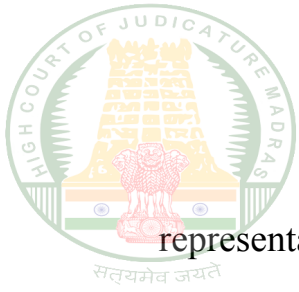
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failed to pass orders within the stipulated time, the second petitioner would be entitled to claim interest at the rate of 12% per annum from the order of the court.

(iii) Thereafter, the first petitioner filed a writ petition in WP.No.2643 of 2005 before the Principal Seat of this Court seeking proportionate share of the terminal benefits. By order dated 31.03.2005, the Court issued directions to the second respondent to consider and pass order within the ambit of legal right.

4. The learned counsel for the petitioners submits that in order to resolve the confusions of the distribution of share in the terminal benefits and family pension, the first and second petitioners jointly submitted a representation to the respondents on 07.07.2024. In the said representation, they requested that family pension and terminal benefits be provided to the second petitioner and the first petitioner also consented to the same. Thereafter, no action has been taken by the respondents. Aggrieved by the same, the present writ petition is filed.

5. At the stage of admission of this case, on 04.04.2025 Mr.N.Satheesh Kumar, learned Additional Government Pleader submitted that the

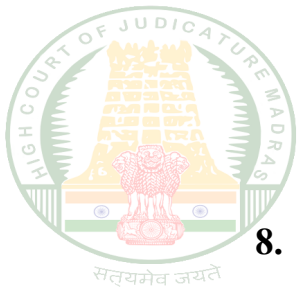


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representation of the petitioner dated 07.07.2024 is not considered since the WEB enquiry is not yet completed to disburse the monetary benefits sought by the petitioners herein.

6. Considering the same, this Court directed the second respondent to depute a Village Administrative Officer to visit the residence of the first petitioner and to record her statement on 07.04.2025 and place it before this Court. Accordingly, on 07.04.2025, the Village Administrative Officer, deputed by the second respondent, approached the first petitioner and recorded her statement.

7. Mr. N. Satheesh Kumar, learned Additional Government Pleader submits that the first petitioner made a statement agreeing to pay the entire terminal benefits and family pension to the second petitioner and to that effect, the Village Administrative Officer recorded her statement and the statement was submitted to the second respondent. Now, the second respondent will send a proposal to the Accountant General's Office for sanctioning family pension and to disburse the terminal benefits to the second petitioner in due course.



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8. Considering the submissions of the learned Additional Government Pleader, in our considered view, this writ petition can be disposed of with a direction to the respondents to send proposals for payment of family pension and terminal benefits to the Accountant General's Office within a stipulated time to meet the interest of justice.

9. Accordingly, this writ petition is disposed of with a direction to the respondents to send proposal to the Accountant General's office for payment of family pension and terminal benefits to the second petitioner within a period of four weeks from the date of receipt of a copy of this order and shall take steps to disburse the terminal benefits and family pension within four weeks thereafter.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

28.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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To:

1. The District Project Officer (CEO),
O/o. the District Project Officer,
Samagra Shiksha (SS),
Seena Vana Highers Secondary School Campus,
Thoothukudi - 628003.

2. The District Program Co-ordinator (APO),
O/o. the Program Coordinator,
Samagra Shiksha (SS),
Seena Vana Highers Secondary School Campus,
Thoothukudi - 628003.

3. The District Coordinator – IED-IEDSS,
Samagra Shiksha (SS),
Seena Vana Higher Secondary School Campus,
Thoothukudi - 628003.



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BATTU DEVANAND, J.

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