

(2006) 10 MAD CK 0068

In the Madras High Court

Case No : Writ Petition No. 12752 of 2005

M. Mahindran

APPELLANT

Vs

The Director Elementary School Education, The District
Educational Officer, The Assistant Educational Officer and The
Principal Account General (A and E)

RESPONDENT

Date of Decision : 17-10-2006

Acts Referred:

Citation : (2006) 10 MAD CK 0068

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

**Advocate : N. Seshadri, Representng Counsel for K.P. Chandrasekaran, for the
Appellant; C. Thirumaran, II G.A. for R-1 to R-3 and T. Ravikumar, for R-4, for
the Respondent**

Judgement

M. Jaichandren, J.—The present writ petition No. 12752 of 2005 had been filed as O.A. No. 3373 of 2003 before the Tamil Nadu

Administrative Tribunal, Chennai, and subsequently transferred to this Court by an order, dated 16.02.2005, made in W.P. No. 5319 of 2005.

The relief sought for before the Tamil Nadu Administrative Tribunal in O.A. No. 3373 of 2003 was an order of direction directing the respondents

therein to release the terminal, pensionary and all other monetary benefits in favour of the applicant in respect of the deceased Muthulakshmi and

for further orders.

2. Heard the learned Counsel for the petitioner as well as the respondents.

3. The brief facts of the case, as stated by the petitioner, are as follows:

The writ petitioner is the adopted son of late Muthulakshmi, who was working as a teacher at Vembarpatty, Sanarpatty Block, Dindigul Taluk.

She had died on 25.02.1992, While she was in service. At the time of her death, she was a government employee and working as a teacher in

Vembarpatty panchayat union school. While she was employed, she had nominated the petitioner as her son for which necessary entries have been

made in the service registers. She had adopted the petitioner as her son by virtue of an adoption deed, dated 28.04.1985, under the provisions of

Hindu Adoption and Maintenance Act, 1956. Even though, the petitioner is the legal heir of the deceased Muthulakshmi, the fourth respondent had

refused to release the terminal, pensionary and other monetary benefits of late Muthulakshmi to the petitioner inspite of the fact that the Sub-

ordinate Judge, Dindigul, had granted a succession certificate in favour of the petitioner in O.P. No. 22 of 1992, on 22.08.1995. Therefore, the

petitioner was constrained to issue a legal notice on 28.04.2003, with regard to his claims. However, the respondents had not taken any steps in

response to the said legal notice issued on behalf of the petitioner.

4. In the counter affidavit filed on behalf of the fourth respondent, it has been stated that the necessary Family Pension proposals in respect of the

deceased government servant late Muthulakshmi were forwarded to the fourth respondent by the third respondent herein through a letter, dated

24.01.2003. On a perusal of the documents, the fourth respondent had required certain clarifications from the third respondent. Therefore, the

matter was referred to the third respondent during the month of March,2003. In the mean while, the petitioner had moved an Original Application

before the Tamil Nadu Administrative Tribunal in O.A. No. 3373 of 2003, praying for a direction to direct the respondents to release terminal,

pensionary and all other monetary benefits in favour of the petitioner. Since there were a number of discrepancies in the documents sent to the

fourth respondent and due to the reason that no subsequent clarifications were given by the other respondents, the fourth respondent was not in a

position to take a decision in the matter.

5. On hearing the submissions made and on a perusal of the records available, this Court finds it appropriate to direct the third respondent, under

whose jurisdiction late Muthulakshmi was employed as a teacher in Vembarpatty School, to pass appropriate orders on the claims made by the

petitioner with regard to the payment of retirement, pensionary and other

benefits, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is to submit all the necessary documents as required by the third respondent in this regard, so as to enable the third respondent to comply with this order.

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