

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.26260 of 2013

S.Jerome

...Petitioner

Vs.

- 1.The Union of India,
Rep. by its Chief Secretary to Govt.,
Union Territory of Puducherry.
Puducherry.
- 2.The Govt. of Puducherry,
Rep. by its Home Secretary,
Secretariat, Puducherry.
- 3.The Superintendent of Police,
Police Head Quarters, Puducherry.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to consider my claim for payment of the death cum retirement benefits and gratuity of my deceased brother John Marie Xavier (PC No.935) and pay the same to the petitioner in accordance with the nomination made by him.

For Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.A.Tamilvanan
Govt. Advocate (Pondy)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Puducherry) on behalf of the respondents.

2. The petitioner is stated to be the sole legal heir of his brother S.John Marie Xavier, who worked as a Constable in Police Department, Puducherry. According to the petitioner, his brother had married Ms.Dourez Souce Iroudya Marie on 27.08.1987. The marriage was dissolved pursuant to the decree passed by the Family Court, Puducherry, dated 02.02.1996. His brother had one daughter in his marriage with Ms.Dourez Souce Iroudya Marie. After divorce, Ms.Dourez Souce Iroudya Marie married another person and along with the child, she is now at France. According to the petitioner, he was shown as a nominee to receive the benefits from the department. The petitioner, therefore submitted a

representation requesting the third respondent to disburse him the retirement benefits due to S.John Marie Xavier. Since the said representation was not considered, the petitioner is before this Court.

3. The learned Government Advocate appearing on behalf of the respondents submitted that the petitioner is required to produce certain documents for the purpose of considering his claim for benefits.

4. There is nothing on record to show that the third respondent on receipt of the representation called upon the petitioner to produce the documents. In case the third respondent is of the view that certain documents are required to consider the case of the petitioner, he should have called upon him to produce the documents. In any case, the representation is now pending before the third respondent and as such matter requires to be considered.

5. The third respondent is directed to consider and dispose of the representation dated 31.07.2013 submitted by the petitioner on merits and as per law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

1.The Chief Secretary to Govt., Union of India,
Union Territory of Puducherry.
Puducherry.

2.The Home Secretary, Govt. of Puducherry,
Secretariat, Puducherry.

3.The Superintendent of Police,
Police Head Quarters, Puducherry.

1 CC to Mr.R. Subramanian, Advocate SR.No.4588

1 CC to Government pleader, Advocate SR.No.4648

W.P.No.26260 of 2013

KJI (CO)

Eu 24.04.15

<https://hcservices.ecourts.gov.in/hcservices/>