



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2015

CORAM

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.343 of 2011

and

M.P (MD) No.2 of 2011

1.S.Selvi
2.S.Jeyalakshmi (minor)
3.S.Jansirani (minor)
(Petitioners 2 and 3 are minors rep.
by their mother 1st petitioner)

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its, Secretary,
Health and Rural Welfare Works Department,
Secretariat,
Chennai.

2.The Principal Account General (A & E),
Office of Account General,
361, Anna Salai,
Chennai-2.

3.The Joint Director of
Medical and Rural Health Service
and Family Welfare,
Virudhunagar.

4.The Medical Officer,
Government Hospital,
Sattur,
Virudhunagar District.

5.Tmt.Parameswari

6.Kanagamallika

... Respondents

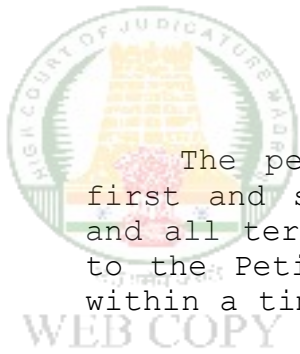
Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first and second respondents to pay DCRG, Earned leave, Family Pension and all terminal benefits payable pursuant to the death of K.Subramaniam to the Petitioners and the 6th Respondent in accordance with rules and within a time frame as fixed in this court.

For Petitioner : Mr.S.Arunachalam

For R1, R3 & R4 : Mr.M.Murugan

Government Advocate

For R2 : Mr.P.Gunasekaran



ORDER

The petitioner has come up with this writ petition to direct the first and second respondents to pay DCRG, Earned leave, Family Pension and all terminal benefits payable pursuant to the death of K.Subramaniam to the Petitioners and the 6th Respondent in accordance with rules and within a time frame.

2.The first petitioner is the wife of late. Subramanian and the petitioners 2 and 3 are their children. The petitioners husband was employed in Health and Rural Welfare Works Department and he joined a service under the control of first respondent on 17.07.1981. Originally the said Subramaniam married the fifth respondent. The sixth respondent is the daughter of K.Subramanian and fifth respondent. By the order dated 18.02.1998 divorce was ordered by Principal Sub Judge, Srivilliputhur in H.M.O.P.No.96 of 1997. Mr.K.Subramanian married on 29.10.2001 the first petitioner after the divorce of fifth respondent. The petitioners 2 & 3 born in the wedlock. The said K.Subramanian entered the first petitioner name as a nominee in his service records. While, he was in service, he died on 08.06.2008 due to his ill health leaving the petitioners. After the death of her husband, first petitioner was paid Rs.1,50,000/- by the first respondent as a benefit payable to the family of the Government employee due to his sudden death during his service.

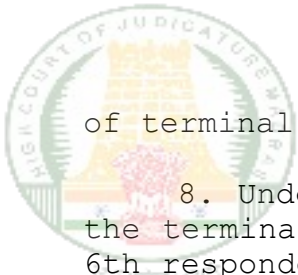
3. According to the petitioners, the petitioners and sixth respondent are legal heirs of K.Subramanian. In spite of repeated demands and remainders, the respondents have not settled the terminal benefits and pension payable to the first petitioner.

4.The first petitioner came to know that the second respondent returned the proposals of the terminal benefits and pension to the third respondent. The petitioners are not aware as to whether the third respondent has taken any action for payment of terminal benefits and pension. Therefore, the petitioner approached the District Collector and gave a representation to the District Collector. As per the direction of the District Collector, the third respondent directed the fourth respondent to receive the petitioner's application for terminal benefits and for compassionate appointment. While so, by the communication dated 13.09.2010, the second respondent returned the pension papers to the third respondent for submission of succession certificate. Therefore, the petitioner has filed the present writ petition for the relief stated supra.

5. Though notice was served on the respondents 5 and 6 and they have not chosen to appear before this Court either in person or through counsel. Though the writ petition is of the year 2011, the respondents 1 to 4 have not filed any counter.

6. Heard Mr.S.Arunachalam, learned counsel for the petitioner, Mr.M.Murugan, learned Government Advocate appearing for the respondents 1,3 &4 and Mr.P.Gunasekaran, learned counsel appearing for the second respondent.

7. From the records it is seen that the claim of the petitioners and 6th respondents that they are the legal heirs of K.Subramanian is not disputed by respondents. There is no objection from anybody for payment



of terminal benefits to petitioner and 6th respondent.

8. Under these circumstances, the respondents are directed to settle the terminal benefits payable to late.K.Subramanian to the petitioner and 6th respondent equally and pay arrears of pension to the first petitioner within a period of four weeks from the date of receipt of a copy of this order and pay the pension regularly.

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

Sd/-
Assistant Registrar(T&P)

/True Copy/

Sub- Assistant Registrar

To

1.The Government of Tamilnadu,
Rep. by its, Secretary,
Health and Rural Welfare Works Department,
Secretariat,
Chennai.

2.The Principal Account General (A & E),
Office of Account General,
361, Anna Salai,
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3.The Joint Director of
Medical and Rural Health Service
and Family Welfare,
Virudhunagar.

4.The Medical Officer,
Government Hospital,
Sattur,
Virudhunagar District.

+1cc to Mr.P.Gunasekaran, Advocate in SR.No.4359
+1cc to Mr.S.Arunachalam, Advocate in SR.No.4165
+1cc to Special Government Pleader in SR.No. 4503

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W.P. (MD) No.343 of 2011 and
MP (MD) 2 of 2011