

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01-06-2016

CORAM

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Writ Petition No.17366 of 2016

J.Menaga

.. Petitioner

Vs.

1. The District Collector of
Tiruvannamalai District
Tiruvannamalai.

2. Tahsildar
The District Backward Class and
Minority Welfare Officer
Backward Class Office
Collectorate
Tiruvannamalai
Tiruvannamalai District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 23.03.2016 and to direct the second respondent to sanction the gratuity, other benefits and family pension of the petitioner's husband deceased G.Jokku.

For Petitioner : Mr.E.Kannadasan

For Respondents : Mr.M.Digvijaya Pandian

Additional Government Pleader

O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed seeking to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 23.03.2016 and to direct the second respondent to sanction the gratuity, other benefits and family pension of the petitioner's husband deceased G.Jokku.

3. The case of the petitioner is that, her deceased husband, who was working as a Cook in the second respondent office died during the year 2008. According to the petitioner except for paying the funeral expenses of her deceased husband, no other terminal/retirement benefits were paid to her and her family. Therefore, she has sent a representation to the second

respondent; however, the respondent in their reply has stated that her name was not entered in the service register and therefore, the retirement benefits cannot be paid to her and they had further directed her to approach the competent authority for obtaining legal heir ship certificate. It is her further contention that on producing the legal heir ship certificate, the second respondent has paid the family welfare fund and also sanctioned temporary family pension in a sum of Rs.3,050/- to her. Later the second respondent had informed the petitioner that for the period between 2001-2008 there was no record entered in the service register of the deceased and thereby stopped the temporary family pension also. In this regard, the petitioner has once again sent a representation to the first respondent on 23.03.2016. Since the same was not considered till date, the petitioner is before this Court.

4. Mr.M.Digvijay Pandian, learned Additional Government Pleader, who took notice on behalf of the respondents submitted that since there was no entry in the Service Register of the deceased for the period between 2001 to 2008, the matter has to be investigated.

5. The learned counsel for the petitioner would submit that the petitioner would be satisfied, if a direction is issued to the respondents to consider his representation dated 23.03.2016 and dispose of the same in accordance with law.

6. Though a larger relief is sought for sanction of terminal benefits of the petitioner's deceased husband, since it is submitted that the petitioner would be satisfied, if a direction is issued to consider and dispose of the representation submitted by him, this Court without going into the merits of the matter, directs the first respondent to consider the representation submitted by the petitioner dated 23.03.2016 and dispose of the same on merits and in accordance with law, as expeditiously as possible. Such exercise shall be completed by the respondents, after giving sufficient opportunity of hearing to the petitioner. It is also made clear that this order should not be construed as giving any positive direction to the respondents and the respondents shall pass orders independently, depending upon the facts and circumstances of the case.

7. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(VI)

//True Copy//

To

1. The District Collector of
Tiruvannamalai District
Tiruvannamalai.
2. Tahsildar
The District Backward Class and
Minority Welfare Officer
Backward Class Office
Collectorate
Thiruvannamalai
Thiruvannamalai District.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.29036

+1cc to the Government Pleader, S.R.No.29220

NR(CO)
EU(13/06/2016)

W.P.No.17366 of 2016



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