

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

WRIT PETITION No.32404 OF 2016

Pavaayee

... Petitioner

vs.

1. The Secretary to Government,
Highways Department,
Fort St. George,
Chennai 600 009.
2. The Divisional Engineer,
Highways and Rural Department,
Edapadi,
Salem District.
3. The Assistant Divisional Engineer,
Highways Department,
West Main Road,
Mettur, Salem District.
4. The Accountant General (Accounts &
Entitlements), Tamil Nadu,
No.361, Anna Salai,
Teynampet,
Chennai 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to disburse the monetary benefits of the petitioner's husband Late C.Pazhani, who died in service, to the petitioner, expeditiously.

For Petitioner : Mr.A.S.Baalaji

For R1 to R3 : Mr.S.N.Parthasarathy,
Government Advocate

For R4 : Mr.V.Vijay Shankar

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to disburse the monetary benefits of her husband, who died while in service, expeditiously.

2. According to the petitioner, her husband C.Pazhani, who was working as Mazdoor under the respondent Department died on 05.10.2012, while in service. Her husband has got two children viz. Mariyammal and Arunachalam through his first wife, who died on 13.06.1988. After the death of his first wife, the petitioner's husband married the petitioner and they have got two sons viz. Sadasivam and Nallathambi. When the petitioner applied for the retirement benefits of her husband, the respondents paid a sum of Rs.50,340/- only as part payment on 24.09.2012 and credited a sum of Rs.1,50,000/- in her Bank Account.

3. It is the further case of the petitioner that she submitted No Objection letters from Ms.Mariammal and Mr.Arunachalam, who are the daughter and son of her husband through his first wife, for receiving the monetary benefits from the respondents. Since her monetary benefits have been denied, the petitioner made a representation to the respondents on 29.06.2016 and by a communication dated 08.08.2016, the 2nd respondent directed the petitioner to furnish the Marriage Certificate and particulars of Date of Birth of the legal heirs. The grievance of the petitioner is that though she submitted her application in accordance with law and furnished relevant documents, the respondents are asking for all the particulars repeatedly. Hence, having no other alternative, she has approached this Court.

4. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the petitioner's husband married the petitioner after the death of his first wife and the marriage was conducted in his home. It is his further submission that if a direction is issued to the respondents to consider the petitioner's representation positively without insisting on her Marriage Certificate, her grievance would be redressed.

5. In view of the above, this Court directs the petitioner to send a fresh representation to the respondents furnishing any tangible proof pertaining to her marriage along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the petitioner's representation on merits and in accordance with law, without insisting on the petitioner's Marriage Certificate and pass appropriate orders within a period of four weeks.

This Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government,
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+1 cc to M/s.A.S.balaji, advocate, sr.63685

+1 cc to M/s.V.Vijayshankar, advocate, sr.64190

+1 cc to Government Pleader, sr.64376.

rsk(co)
krd 14/12

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