

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32527 of 2016

Tmt.K.Mageswari

... Petitioner

Vs.

1. The Director
O/o. of Directorate of Municipalities
Kuralagam, Chennai - 600 108.
 2. The Assistant Director
O/o. of Directorate of Municipalities,
Sathuvachari, Vellore District.
 3. The Executive Officer,
Selection Grade Municipality,
Sholinghur, Vellore District.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the death cum terminal benefits and pensionary benefits of Late.Krishnamoorthy who worked in the 3rd respondent department, to the petitioner immediately by considering the petitioner's representation dated 02.06.2014 and 29.08.2016.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.S.Gunasekaran for R1 and R2
Additional Government Pleader
Mrs.M.Jayasree for R3
Government Advocate

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the third respondent to consider the representation of the petitioner dated 08.11.2010, claiming to grant appointment on compassionate grounds.

3.It is the case of the petitioner that her husband worked under the third respondent as Executive Officer and died on 01.02.2012 while he was in service leaving behind his first wife/ petitioner, second wife, two daughters and a son as his legal heirs. Since he was the only bread winner of the family, after his demise, the petitioner approached the respondents and made a representation dated 02.06.2014 requesting death cum retirement benefits of her late husband. The second respondent vide letter dated 22.07.2014 made in Na.Ka.No.2577/2012/B forwarded all the documents submitted by the petitioner to the first respondent. But, it evoked no response.

4.The petitioner has also requested for appointment on compassionate grounds to any one of her children and since it was also pending filed W.P.No.18421 of 2016. The writ petition was disposed of on 25.05.2016 and pursuant to the order of this Court, her son was given appointment on compassionate grounds and he is presently working as Bill Collector in Nemili Town Panchayat. Since, the representation dated 02.06.2014 requesting death cum retirement benefits of her late husband is pending for a long time, the petitioner left with no other alternative, has come forward with this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner, the learned Additional Government Pleader who takes notice for the respondents 1 and 2 and the learned Government Advocate who takes notice for the third respondent.

6.Considering the submissions made on either side and without going into the merits of the claim made by the petitioner, this Court directs the petitioner to give a fresh representation along with a copy of this order, to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, shall consider the said representation and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Director
O/o. of Directorate of Municipalities
Kuralagam,
Chennai - 600 108.
2. The Assistant Director
O/o. of Directorate of Municipalities,
Sathuvachari,
Vellore District.
3. The Executive Officer,
Selection Grade Municipality,
Sholinghur,
Vellore District.

+1cc to Mr.A.Rajesh, Advocate, S.R.No.54368
+1cc to the Government Pleader, S.R.No.54689

W.P.No.32527 of 2016

VN(CO)
CA(22/10/2016)



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