

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.3390 of 2016

T.Gunasekaran

.. Petitioner

vs

1. The District Collector
Erode District, Erode.

2. The Joint Director
Social Welfare Department
Erode.

3. The Child Development Project Officer
Sathyamangalam
Erode District.

4. The Secretary to Government of Tamil Nadu
Social Welfare and Nutritious Meal
Programme, Secretariat
Fort St.George
Chennai 600 009.

.. Respondents

[R4 impleaded as per order dated
03.02.2016 in WMP.No.
3430 of 2016 in W.P.No.3390 of 2016]

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the third respondent to disburse the Death cum Retirement Gratuity of the petitioner's sister to the petitioner an pursuant to his representation dated 26.10.2015 within a time frame that may be fixed by this Court.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.A.Kumar
Special Government Pleader

ORDER

The prayer in the writ petition is for the issuance of a writ of mandamus to direct the third respondent to disburse the Death cum Retirement Gratuity of the petitioner's sister-T.Jeyalakshmi to the petitioner pursuant by considering his representation dated 26.10.2015.

2. The case of the petitioner in brief is as follows:

The petitioner's sister -T.Jeyalakshmi while she was employed as an Anganwadi worker in Kalikulam Centre, Sathyamangalam under the control of the third respondent had died in harness on 28.04.2015. According to the petitioner since the deceased husband pre-deceased her and that she has no issue, she had nominated the petitioner herein to receive his death cum retirement gratuity. It is his contention that though the petitioner has produced the legal heir ship certificates and the No Objection Certificate given by the other legal heirs, the respondents are not settling the dues payable to his deceased sister. In this regard, he has also sent a representation to the respondents. Since the same was not considered till date, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and Mr.A.Kumar, learned Special Government Pleader, who accepted notice on behalf of the respondents.

4. The learned Special Government Pleader appearing on behalf of the respondents would submit that out of the seven legal heirs, one legal heir, viz., Venkatachalam, who is a married brother had not given his consent. However, the learned counsel for the petitioner would submit that the said Venkatachalam had already died and further the deceased T.Jeyalakshmi had nominated only the petitioner as her nominee.

5. Considering the submissions made on either side and taking into consideration the fact that the petitioner has already made a representation to the respondents, the authority concerned is directed to consider the representation submitted by the petitioner dated 26.10.2015 and pass appropriate orders on merits and in accordance with law. It is open to the petitioner to produce the records pertaining to legal heir ship and any other details as may be required by the authority concerned and on production of the same, after giving sufficient opportunity of hearing to the petitioner, the respondents are directed to pass orders on the same within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The District Collector
Erode District, Erode.
2. The Joint Director
Social Welfare Department
Erode.
3. The Child Development Project Officer
Sathyamangalam
Erode District.
4. The Secretary to Government of Tamil Nadu
Social Welfare and Nutritious Meal
Programme, Secretariat
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Chennai 600 009.

+1 cc to Mr.R.Thirumoorthy Advocate sr.29714

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W.P.No.3390 of 2016

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