

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.36937 of 2016

N.Shanthi

...Petitioner

.vs.

1.The Secretary to Government,  
Health and Family Welfare Department,  
Secretariat, Chennai - 600 009.

2.The Director of Medical and  
Rural Health Service (ESI) i/c  
Chennai - 600 006.

...Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the 2nd respondent to disburse the final amount of Contributory Pension Scheme (CPS) due on the death of petitioner's husband K.Venkatachalapathy, Pharmacist ESI, Dispensary, Vaniyambadi, by considering the petitioner's representation dated 28.02.2016.

For Petitioner : Mr.T.R.Rajagajentran

For Respondents : Mr.K.Dhananjayan,  
Spl. Government Pleader

ORDER

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

2. The Writ Petition has been filed to issue a Writ of Mandamus, directing the 2nd respondent to disburse the final amount of Contributory Pension Scheme (CPS) due on the death of petitioner's husband K.Venkatachalapathy, Pharmacist ESI, Dispensary, Vaniyambadi, by considering the petitioner's representation dated 28.02.2016.

3. The case of the petitioner is that her husband Mr.K.Venkatachalapathy was working as Pharmacist at ESI Dispensary, Vaniyambadi, Vellore District. While he was in service, he died on 08.08.2013. On his death, the petitioner, being his legally wedded wife, is entitled to receive all his death benefits. The petitioner made several representations to

the respondents enclosing all necessary documents. However, no amount has been paid to her so far. In fact, the 1st respondent has forwarded the representation of the petitioner to the 2nd respondent for appropriate action as it is evident from the communication of the 1st respondent dated 08.09.2015. The petitioner finally made a representation on 28.02.2016. Thereafter also, the final amount of Contributory Pension Scheme due to the death of her husband was not paid to her. Hence the present Writ Petition.

4. Heard the learned Counsel for the petitioner and the learned Special Government Pleader who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances, without expressing any opinion regarding the merits of the claim made by the petitioner, this Court directs the 2nd respondent to consider the representation of the petitioner dated 28.02.2016 and pass appropriate orders regarding disbursement of final amount of Contributory Pension Scheme (CPS) due on the death of the petitioner's husband K.Venkatachalapathy, Pharmacist ESI, Dispensary, Vaniyambadi, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this Order.

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

Sd/-  
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

tsi

To

1.The Secretary to Government,  
Health and Family Welfare Department,  
Secretariat,Chennai - 600 009.

2.The Director of Medical and  
Rural Health Service (ESI) i/c  
Chennai - 600 006.

1 cc to M/s.T.R. Rajagajendran, Advocate, Sr. 59719

W.P.No.36937 of 2016

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