

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40162 OF 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to pass an order or direction or writ more particularly writ of Mandamus, duly declaring the action of the first respondent herein in not disbursing the amounts of the deceased sister of the petitioners lying in her savings account vide 125401000005133, along with the 2nd respondent herein as illegal and against the principles of natural justice and consequently direct the 1st respondent to disburse the amounts lying in the savings account vide 125401000005133 forthwith in the interest of justice and to pass such other and further orders as the Honourable Court may deem fit and proper in the circumstances of the case.”

2. Case of the petitioners is that their sister – Y.Uma Devi died leaving them behind and she has the aforementioned salary account with respondent No.1 and at the time of death, she has balance of Rs.6,40,534/- in her savings account; that they are the nominees of her terminal benefits from Singareni Collieries and after her demise, her gratuity and other financial benefits have been transferred to them; that their brother also died and respondent No.2 is the daughter of their deceased brother and she also claims share in the amount; that respondent No.1 issued a letter on 20.1.2014 asking the petitioners to get fresh legal heir certificate issued by the competent authority to have clarity about the existing legal heirs of the deceased Uma Devi; that the petitioners are also willing to share the amount with respondent No.2 and to that effect, they sent a letter, dated 25.8.2014, to respondent No.1, but respondent No.1 is not disbursing the said amount and hence, they made a representation, dated 3.10.2016,

to respondent No.1 informing that they have no objection for releasing the due share of amounts to respondent No.2 also, but the same is not disposed of till date.

3. After arguing for sometime, learned counsel for the petitioners confined his arguments only to the extent of giving a direction to respondent No.1 to consider the representation, dated 3.10.2016, of the petitioners.

4. Considering the facts and circumstances of the case and the grievance of the petitioners, without going into the merits of the case, this writ petition is disposed of with the following direction:

Respondent No.1 is hereby directed to consider the representation, dated 3.10.2016, of the petitioners and pass appropriate orders in accordance with law within a period of one month from the date of receipt of a copy of this order. There shall be no order as to costs.

5. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

19.12.2016
AMD

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Date: 19.12.2016

AMD