

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2017

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.4335 of 2017

and

W.M.P.No.4520 of 2017

G.Jothish

... Petitioner

Vs

1. The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpauk, Chennai.
2. The District Collector,
Vellore District, Vellore.
3. The Principal,
Government Vellore Medical College and Hospital,
Vellore, Vellore District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus directing the respondents to consider the representation sent by the petitioner and his sister on 26.05.2016 and the reminder, dated 03.01.2017 and pay the terminal benefits of his father with interest.

For Petitioner : Mr.R.Sunil Kumar
For Respondents : Mr. Dhananjayan
Special Government Pleader

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would state that his father, later V.Govindhasamy was working as Assistant in the Government Medical College and Hospital at Vellore and he died in harness on 04.05.2013, leaving behind his mother, wife and three children as legal heirs, which include the petitioner. The petitioner would further state that he is pursuing B.Sc. (Computer Science) third year at Government Thirumagal Mills College, Gudiyatham, Vellore, and he has two sisters, viz., G.Ramya, and G.Puja. The elder sister, G.Ramya has completed Diploma in Nursing and his young sister, by name G.Pujs is pursuing 1st year Nursing Course and on account of sudden demise of his father, his life was in lurch. The petitioner would further state that based on the legal heirship certificate issued by the Tahsildar, Gudiyatham, the mother of the petitioner, as she was also alive, made a representation for settlement of terminal benefits of the petitioner's father and she died on 16.02.2016. The grievance expressed by the petitioner is that though his father died as early as on 04.05.2013, terminal benefits have not been settled till his mother was alive and even after her demise, the request has not been considered and hence, he came forward with this writ petition.

3.The learned counsel for the petitioner has drawn the attention of this Court to the typed-set of papers filed in support of the Writ Petition, and would submit that the third respondent, vide letter, dated 30.12.2014, has informed the petitioner that his mother as well as aunt, (sister of the petitioner's father) have also submitted application for settlement of terminal benefits and he has no objection for settlement of the terminal benefit in favour of the mother, and even for the sake of argument there are rival claims, the petitioner ought to have been put on notice as to the said aspect and since he has not favoured with any response, he has came forward with this Writ Petition.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader who accepts notice on behalf of the respondent would submit that appropriate action will be taken for settlement of terminal benefits in favour of the petitioner.

5. This Court heard the rival submissions and also perused the typed-set of documents.

6. It is seen that the third respondent, vide proceedings, dated 30.12.2014 has informed the petitioner that his mother and sister-in-law made claim for settlement of terminal benefits and subsequently, the third respondent, vide communication dated 05.05.2015 informing the petitioner's mother that action is being taken and it has been forwarded to the first respondent and as and when reply is received, further action will be taken.

7. It is regret to note that the father of the petitioner died on 04.05.2013 in harness and despite lapse of nearly three years, no steps have been taken to settle the terminal/retiral benefits. The communication emanated from the third respondent, dated 05.05.2015 would also disclose that the proposal has been forwarded to the first respondent and their response is awaited. It seems that the Office of the first respondent is lying over the issue for the reasons best known to them and inaction on their part to respond to the request made by the petitioner for settlement of terminal/retiral benefits due and payable on account of the demise of his father is highly regrettable.

8. Be that as it may, the first respondent is directed to act on the communication of the third respondent, dated 05.05.2015, bearing Na.Ka.No.1796/Ni2/2015, as well as the representation, dated 26.05.2016 submitted by the petitioner and his sister, as well as the reminder/representation dated 03.01.2017 on merits and in accordance with law and pass orders as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision taken, to the petitioner.

9. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

- Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Director of Medical Education,
Office of the Directorate of Medical Education,
Kilpauk, Chennai.
2. The District Collector,
Vellore District, Vellore.

3. The Principal,
Government Vellore Medical College and Hospital,
Vellore, Vellore District.

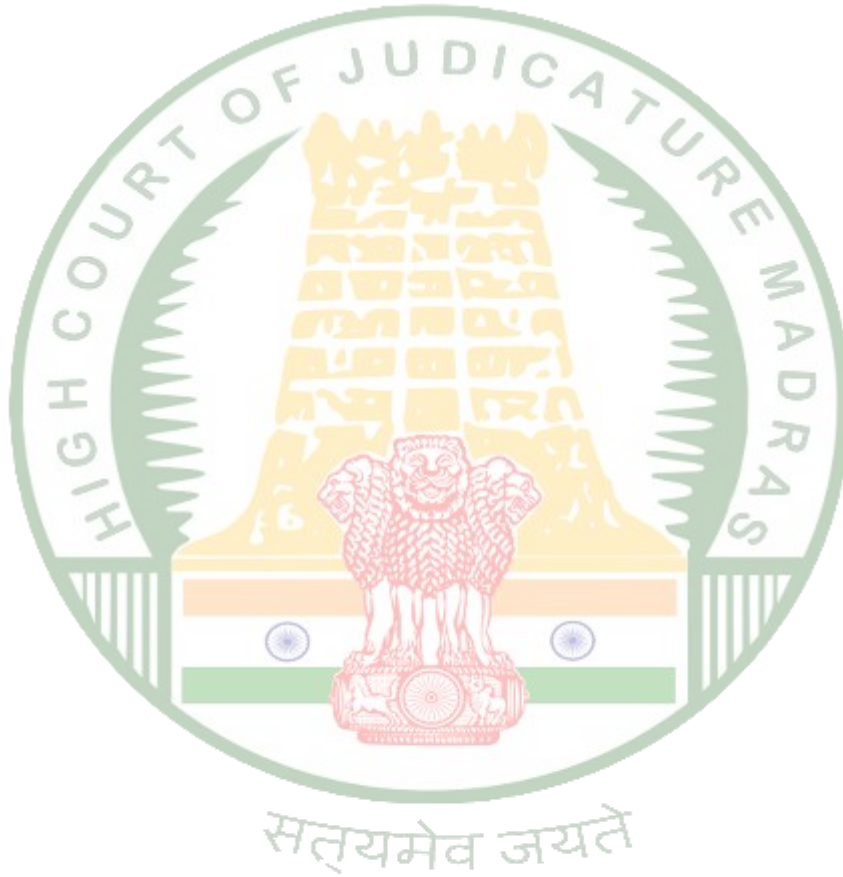
+ 1 cc to Mr.R.Sunilkumar, Advocate Sr.No.11091

+ 1 cc to The Government Pleader Sr.No.12150

W.P.No.4335 of 2017

KK(CO)

RRI 27/03/2017



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