

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10873 of 2017

&

WMP.No.118180/2017

Venkatesan
S/o Periyasamy

.. Petitioner

-vs-

1. The Director
Adi Dravidar and Tribal Welfare Department
Chepauk, Chennai 600 005
2. The District Adi Dravidar and Tribal Welfare Officer
Villupuram District
Villupuram
3. The Special Tahsildar (ADW)
Adi Dravidar Welfare
Ulundurpettai, Villupuram District
4. Periyasamy .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 3 to pay 40% of amount in all retirement benefits and other benefits entitled by the fourth respondent on his superannuation, to the petitioner and his sisters as per the undertaking statement of the fourth respondent dated 28.11.2016 given before the second respondent and further directing the respondents to enroll the petitioner and his sisters as only the legal heirs of the fourth respondent in the service records of the fourth respondent.

For Petitioner :: Mr.A.Kalaivanan

For Respondents :: Mr.M.Dig Vijaya Pandian
Additional Government Pleader
for R1 to 3

ORDER

The petitioner has made a complaint on 11.7.2016 before the second respondent requesting to settle a part of his father's retiral benefits, the fourth respondent herein. Pursuant to the representation, the District Adi Dravidar and Tribal Welfare Officer, Villupuram, the second respondent herein had conducted enquiries on 24.9.2016 and 28.11.2016 by summoning the fourth respondent and the petitioner and finally in the enquiry, the fourth respondent has consented to give 40% of the amount from his retiral benefits to the petitioner and his sisters, 40% to his second wife-Mrs.Sulochana and her sons and the balance 20% for his survival. Since the fourth respondent is going to retire on 31.5.2017, the petitioner sought for a direction to the second respondent to consider his representation dated 18.3.2017.

2. Mr.M.Dig Vijaya Pandian, learned Additional Government Pleader, taking notice on behalf of the respondents, submitted that the representation of the petitioner will be considered by the second respondent in the light of the undertaking given by the fourth respondent.

3. Recording his statement, this Court hereby directs the second respondent to consider the representation of the petitioner, in the light of the undertaking given by the fourth respondent, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. Consequently, W.M.P.No.11818 of 2017 is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Director
Adi Dravidar and Tribal Welfare Department
Chepauk, Chennai 600 005

2. The District Adi Dravidar and Tribal Welfare Officer
Villupuram District
Villupuram

3. The Special Tahsildar (ADW)
Adi Dravidar Welfare
Ulundurpettai, Villupuram District

+lcc to Mr.A. Kalaivanan, Advocate, S.R.No.25691

kgk(CO)
md(28/04/2017)

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