

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3089/2017

Lourdu Mary

..Petitioner

Vs

1.The Superintending Engineer
Highways Circle,
Jakkirampalayam, Salem District.

2.The Divisional Engineer
Highways, Krishnagiri District.

3.The Assistant Engineer
Denkanikottai 635107
Krishnagiri District.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondents herein to release 50% of the terminal benefits of the deceased M.Selvam [the petitioner's son] who was working as Gang Mazdoor with the respondents based upon the nominal forum in the service Register and taking into consideration the fact that the petitioner is one of the two legal heirs of the deceased M.Selvam.

For Petitioner : M/s.Dakshayani Reddy

For Respondents: Mr.P.Sanjay Gandhi, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The son of the petitioner, viz., Selvam, was appointed as Road Worker [Salai Paniyalar] on a consolidated pay with effect from 13.11.1997 and his services were regularised and thereafter, he died on 25.12.2014. The grievance expressed by the petitioner is that she is having difference of opinion with her daughter-in-law and she is aged about 76 years and she is unable to maintain herself and even as per the Service Register, she was shown as the nominee for the purpose of receiving service benefits including Death-cum-Retirement Gratuity, Provident Fund, Family Pension and Employees' Special Provident Fund-cum-Gratuity scheme etc., and since these amounts have not been disbursed, the petitioner submitted a representation dated 02.12.2016 to the 2nd respondent and though it was received and acknowledged, so far no orders have been passed and therefore, the petitioner came forward to file the present writ petition.

3 Heard the learned counsel appearing for the petitioner and MR.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her representation or in this writ petition, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 02.12.2016 on merits and in accordance with law, after putting on notice, the person concerned, viz., the daughter-in-law of the petitioner and pass orders within a further period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to her daughter-in-law.

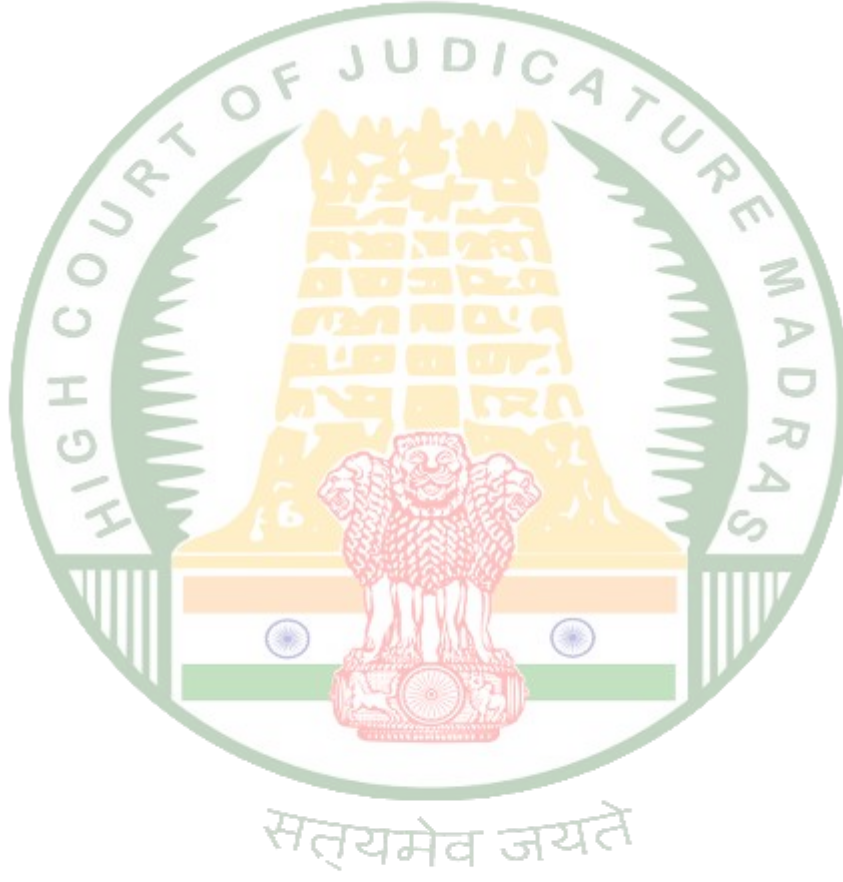
5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP



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M.SATHYANARAYANAN, J.,
AP

To

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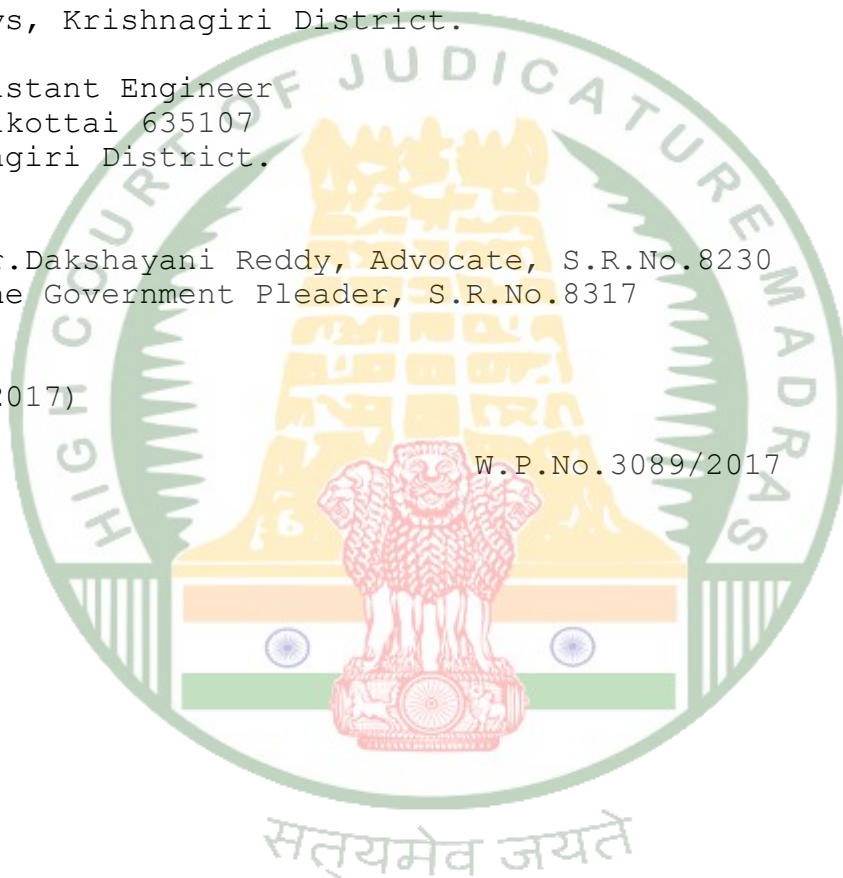
+1cc to Mr.Dakshayani Reddy, Advocate, S.R.No.8230

+1cc to the Government Pleader, S.R.No.8317

pvs (CO)

md(24/02/2017)

W.P.No.3089/2017



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