

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3114 of 2017

S.Malliga

..Petitioner

Vs

1. The State of Tamilnadu rep. by
its Secretary,
Health Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Government Hospital for Mental Health,
Kilpauk,
Chennai - 600 010.
3. The Administrative officer,
Government Hospital for Mental Health,
Kilpauk,
Chennai - 600 010.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 04.02.2016 for the grant of G.P.F. , D.C.R.G. Family security Fund and other arrears into the Pensionary benefits to the petitioner as the Legal heir of Late D.Sivagamasundari, Staff Nurse as per the order dated 10.12.2015 in O.P.No.520 of 2014 of this Court ordered in grant of Letter of Administration on the Will and Testament dated 07.02.2011 in Doc.No.27/2011.

For Petitioner : Mr.T.Suresh

For Respondents: Mr.P.Sanjai Gandhi,
Additional Government Pleader

ORDER

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

2. The petitioner claims that she is the legal heir of of her sister-in-law named late D.Sivagamasundari, who was employed as a Staff Nurse in the Special Grade Service of the 2nd respondent and died in harness due to illness and prior to her death, she had executed her last Will and Testament dated 07.02.2011 in favour of the petitioner bequeathing all her properties and the petitioner was nominated to receive the death cum retirement benefits due to her. It is further stated by the petitioner that the petitioner filed O.P.No.520 of 2014 under the Indian Succession Act, 1925, for granting Letters of Administration in respect of the above cited Will and and it was also ordered by this Court on 10.12.2015. Thereafter, the petitioner submitted a representation dated 04.02.2016 to the respondents in person enclosing all the documents including the Will as well as the above cited order passed by this Court.

3. Learned counsel for the respondents submitted that since the respondents have not been arrayed as parties in the above cited O.P., they are not bound by the said order.

4. Learned counsel for the petitioner would submit that the stand taken by the respondents is wholly untenable in law and therefore, prays for appropriate orders. He would further submit that no further challenge has been made to the order in O.P.No.520 of 2014 and it has become final.

5. This Court heard the submission of the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. The order dated 10.12.2015 granting letters of administration in O.P.No.520 of 2014 in favour of the petitioner is valid for all purposes and therefore, it is not open to the respondents to say that they are not bound by the order on the ground of non-joinder of party.

7. This Court, taking into consideration, the above facts and circumstances, directs the 2nd respondent to consider the representation of the petitioner dated 04.02.2016 on merits and to decide the same in accordance with law after affording an opportunity of

personal hearing to the petitioner and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

sd/-

Assistant Register

//True Copy //

Sub Assistant Register

vsi

To

1. The Secretary,
Health Department,
Fort St.George,
Chennai - 600 009.
2. The Director,
Government Hospital for Mental Health,
Kilpauk, Chennai - 600 010.
3. The Administrative officer,
Government Hospital for Mental Health,
Kilpauk, Chennai - 600 010.

+ 1 cc to Govt.Pleader, High Court, Madras sr.8323

+ 1 cc to M/s.T.Suresh, Advocate sr.7951

W.P.No.3114 of 2017

NRI [CO]
RR 27/02/2017

सत्यमेव जयते

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