

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.No.31641 of 2017

G.Mary @ Menaka

.. Petitioner

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government,
Revenue Department,
Fort St. George, Chennai-9.
2. The District Collector,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.
4. Saroja
5. Sundararajan

.. Respondents

Writ Petition filed under Article 226 constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay the petitioner the terminal benefits in respect of the services rendered by the petitioner's father, namely, late Mr.L.Yesu as Village Assistant at Kannambakkam Village, Gummidipoondi Taluk, Thiruvallur District, till the date of his death on 15.10.2015 with interest thereon for the belated payment.

For Petitioner : Mr.T.N.Sugesh

For Respondents : Mr.V.Jayaprakash Narayanan,
1 to 3 Special Government Pleader

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O R D E R

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 1 to 3 to pay the petitioner, the terminal benefits in respect of the services rendered by her father, namely, late Mr.L.Yesu as Village Assistant at Kannambakkam Village, Gummidipoondi Taluk, Thiruvallur District, till the date of his death on 15.10.2015 with interest thereon for the belated payment.

2. The case of the petitioner is that her father L.Yesu was earlier working as Village Assistant at Kannambakkam Village, Gummidipoondi Taluk, Thiruvallur District and he died on 15.10.2015, while in service. It is stated that her father mentioned her name as nominee to get all his terminal benefits and the said nomination has been duly carried out in his service records. Apart from that, a Will dated 8.2.2007 executed by her father was duly registered at the Office of the Sub-Registrar in which also it is mentioned that he has nominated the petitioner to get all his terminal benefits. Further, since her mother deserted her father within one year from the date of her birth and there was no restitution of their marital relationship thereafter, it is mentioned in the Will that all the benefits should devolve on her only after his death and the same is still in existence.

3. The further case of the petitioner is that after the death of the petitioner's father, her mother Saroja, had applied for the Legal Heir Certificate of her father and the same was issued by the Tahsildar, Gummidipoondi which shows the names of the petitioner, her mother Saroja and the name of the Sundarajan, 5th respondent herein as the legal heirs of her father. Thereafter, her signatures were obtained in a Compromise Agreement dated 4.4.2016 by the 5th respondent and her signatures were also obtained on certain other papers forcibly. Since the petitioner is an illiterate, she could not understand the consequence of the same. Later, she came to know that compassionate appointment will be given to the 5th respondent and she is eligible to get only terminal benefits of her deceased father. Accordingly, the 5th respondent got compassionate ground appointment, but, no terminal benefits were settled on her behalf. In this regard, the petitioner gave a representation dated 27.03.2017 followed by several other representations to the 3rd respondent. But, no action has been taken to disburse the same to her.

4. It is also the case of the petitioner that in the meanwhile, an enquiry was conducted by the 3rd respondent and the petitioner also attended the same. Thereafter, also no terminal benefits of her deceased father were settled on her behalf. Hence, the present Writ Petition.

5. Heard the learned Counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3.

6. Though so many grounds have been raised in the Writ Petition by the petitioner, this Court is unable to entertain the present Writ Petition on two grounds. Firstly, when the petitioner herself admitted that she has entered into a Compromise Memo with her mother and the 5th respondent

Sundarrajan, on the basis of the same, when the 5th respondent was issued with an appointment order, the terminal benefits of her deceased father cannot be given to the petitioner. Secondly, though the petitioner in her affidavit has stated that she has wrongly appended her signatures in the Compromise Memo and some other documents on the force made by the 5th respondent and her mother, it appears that neither a complaint nor a suit was lodged against them. In view of all the above, this Court is of the view that the writ petition is liable to be dismissed.

7. In the result, the Writ Petition fails and the same is accordingly dismissed with liberty to the petitioner to approach the appropriate civil court. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai-9.
2. The District Collector,
Thiruvallur District, Thiruvallur.
3. The Tahsildar,
Gummidipoondi Taluk,
Thiruvallur District.

+1cc to Government Pleader in sr.87440

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nr 08/01/2018

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