

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28093 of 2004

T.V.S.Jaya Perumal

... Petitioner

Vs.

1.The Chennai District Collector,  
Singaravelar Malligai,  
No.32, Rajaji Salai,  
Chennai-1.

2.The District Collector,  
Kancheepuram District.

3.The Thasildhar,  
Saidapet Taluk.

... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the terminal benefits and family pension due to late T.S.Perumal along with interest.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mr.A.Zakkir Hussain  
Government Advocate

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O R D E R

This writ petition has been filed seeking issuance of Writ of Mandamus directing the respondents to pay the terminal benefits and family pension due to late T.S.Perumal along with interest.

2.Heard the learned counsel appearing for the petitioner as well as the learned Government Advocate appearing for the

respondents.

3.The case of the petitioner is that her husband was employed as Village Assistant at Mambalam Guindy Thasildhar Office and he died on 10.06.1987 while he was in service. Hence, the petitioner made representation to the second respondent seeking for the terminal benefits by enclosing the relevant documents. Since no action was taken on the representation, the petitioner sent a legal notice dated 03.08.2004 to the second respondent with copy marked to the respondents 1 and 3. Even thereafter, the respondents have not passed any orders on the representation of the petitioner. Hence, the petitioner has come forward with this writ petition.

4.At the time of filing the writ petition, the petitioner was aged about 55 years and she has approached this Court for settlement of the terminal benefits of her husband. Even after such a long time from her husband's death on 10.06.1987, the petitioner is not able to get a single paise from the Government. Now she would have reached the age of seventy years. There is no dispute regarding the death of the petitioner's husband while he was in service.

5.This Court vide order dated 30.09.2004, admitted the writ petition. Thereafter, the case was listed before this Court on 07.07.2017 and subsequently, the case was adjourned several times for filing counter. Finally, a counter dated July, 2017 was filed by the first respondent. Paragraph Nos.3 and 4 of the counter reads as follows:

"3.It is submitted that with reference to the averment made in paragraph 2 of the affidavit, it is submitted that the Tahsildar, Mambalam Taluk (erstwhile Mambalam - Guindy Taluk) has reported that the deceased Thiru. T.S.Perumal was not paid salary in his Office. The Tahsildar has further reported that the actual place of the employment of the deceased was Saidapet Taluk.

4.It is submitted that with reference to the letter dated 08.12.1987 said to be issued by the Sub-Collector, Saidapet in paragraph 3 of the Petition, it is respectfully submitted that the veracity of the letter shall be confirmed only by the District Collector, Kancheepuram, since the Saidapet Taluk (subsequently bifurcated into Tambaram Taluk (Kancheepuram District) and

Ambattur Taluk (Thiruvallur District) was an integral part of the Chengalpattu-MGR District (since bifurcated into Kancheepuram and Thiruvallur District). With reference to the letter dated 03.04.1989 said to be issued by the Chennai District Collector's Office, in paragraph 3, it is submitted that the letter has been sent to the Tahsildar, Saidapet Taluk which formed part of the non-est Chengalpattu-MGR District."

(Emphasis Supplied)

6. On a perusal of the counter, it is seen that the veracity of the letter shall be confirmed only by the District Collector, Kancheepuram. On a perusal of paragraph nos. 3 and 4, it is clear that the District Collector disowned his responsibility to assist the Court.

7. On a perusal of the typed set of papers filed by the petitioner, it is clear that the letter Mu.Mu.No.19704/87 dated 08.12.1987, was sent by the then Sub Collector, Saidapet, to the Tahsildar, Guindy- Mambalam, Chennai-17, directing him to take necessary steps with regard to the terminal benefits of petitioner's husband and further directed to inform about the same to the petitioner. Thereafter, the District Collector, Chennai, issued another letter dated 03.04.1989, directing the Tahsildar, Saidapet, Chennai, to send proposal recommending family pension to the petitioner. Thereafter, the District Collector, Chennai vide letter dated 20.11.2002 in Na.Ka.No.Pa.Mu.50634/02 addressed to the petitioner, directed the petitioner to approach the District Collector, Kancheepuram for settlement of the terminal benefits.

8. On a perusal of the above three letters, it is evident that the District Collector, Chennai, had admitted that the petitioner's husband had worked as Village Assistant (Thalaiyari) and he died on 10.06.1987 and some records are also available with the Tahsildar, Mambalam Circle and thereafter, the petitioner was directed to approach the District Collector, Kancheepuram. In the counter in paragraph nos. 3 and 4, it is stated that the veracity of the letter dated 08.12.1987 shall only be confirmed by the District Collector, Kancheepuram.

9. I am unable to understand as to why the poor lady was made to run from pillar to post for the past several years without paying any benefits. However, I am not able to accept the reliance placed by the District Collector on G.O.(Ms)No.625, Revenue Department, dated 06.07.1995. It is an admitted case of the petitioner that the petitioner's husband died in the year 1987 and she has not claimed it through G.O.(Ms).No.625 dated 06.07.1995 and she wanted settlement of the benefits accrued

from the employment of her husband who worked at the relevant point of time.

10.Hence, this Court is inclined to issue a direction to the respondents 1 and 2 to comply and settle the terminal benefits, as stated in their letters dated 08.12.1987 and 03.04.1989, within a period of twelve weeks from the date of receipt of a copy of this order, to the petitioner.

11.With the above direction, the writ petition is disposed of. No costs.

Sd/  
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Chennai District Collector,  
Singaravelar Mal igai,  
No.32, Balaji Salai,  
Chennai-1.

2.The Distrit Collector,  
Kancheepuram District.

3.The Tahsildar,  
Saidapet Taluk.

+1cc to Government Pleader SR.No.62412

+1cc to Mr.S.Thiruvengadam, Advocate SR.No.61979

W.P.No.28093 of 2004

SDR 11.10.2017

सत्यमेव जयते

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