



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 03.10.2017

CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM
AND

THE HONOURABLE MRS. JUSTICE V. BHAVANI SUBBAROYAN
W.P. (MD) No. 11701 of 2017

1. A. Muthupandi
2. A. Panjavarnam
3. A. Thirugnanam ... petitioners

Vs.

1. The Registrar (Administration)
Madurai Bench of Madras High Court,
Madurai District.
2. The District Munsif,
District Munsif Court, Melur,
Melur Taluk, Madurai District. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondent to pass orders to release the retirement benefit of the deceased, namely, A. Sakunthala worked as Assistant in the District Munsif Court, Melur, to the petitioners with interest as per the representation made by the petitioners dated 15.03.2017.

For Petitioners : Mr. N. Vijayarajan
For Respondents : Mr. D. Sivaraman for R2

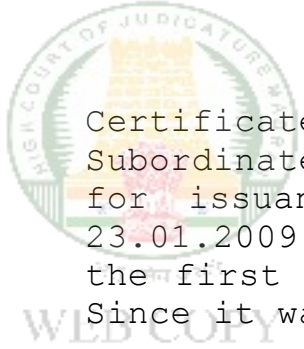
ORDER

[Order of the Court was delivered by **K. KALYANASUNDARAM, J**]

The petitioners have come forward with the present writ petition for a direction to the respondents to release the retirement benefits of the deceased, namely, A. Sakunthala, who worked as Assistant in the District Munsif Court, Melur, to the petitioners with interest as per the representation made by the petitioners dated 15.03.2017.

2. The case of the petitioners is that their later sister, who was working as Assistant in the District Munsif Court, Melur, died on 15.10.2004 leaving behind the petitioners her legal heirs.

3. The petitioners would further state that when they approached the second respondent in the year 2005 to receive the retirement benefits, they were directed to produce Succession



Certificate. Accordingly, they approached the Principal Subordinate Judge, Madurai, by filing Succession Original Petition for issuance of Succession Certificate, which was allowed on 23.01.2009. Thereafter, the petitioners made a representation to the first respondent for disbursement of the retirement benefits. Since it was not considered, the present writ petition.

4.Mr.D.Sivaraman, learned counsel appearing for the first respondent would submit that the petitioners have approached the second respondent in the year 2004 with a prayer to disburse the retirement benefit of their deceased sister, A.Sakunthala. The second respondent, on 01.03.2005, directed the petitioners to produce Succession Certificate. Thereafter, they approached the second respondent only in the year 2013 and also produced Succession Certificate. He would further submit that the second respondent sent a letter for clarification from the Auditor General for disbursement of the amount and they received a letter dated 07.08.2017 stating that no benefits have been so far disbursed and now they are ready to consider the case of the petitioner.

5.In the light of the above facts and the submissions of the learned counsel appearing for the second respondent, the second respondent is directed to consider the claim of the petitioners and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is closed. No costs.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The Registrar (Administration)
Madurai Bench of Madras High Court,
Madurai District.

2. The District Munsif,
District Munsif Court, Melur,
Melur Taluk, Madurai District.

+ 1 CC TO MR.N.Vijayarajan, ADVOCATE IN SR No.81584

+ 1 CC TO MR.D.Sivaraman, ADVOCATE IN SR No.81571

MK/JC/SAR-1/24.10.2017/2P/5C