



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.17615 of 2018

T.Annammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
Home Department,
St. George Fort,
Chennai-600 009.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

3. The Additional Director General of Police,
Egmore,
Chennai-600 008.

4. The Superintendent of Police(Railways)
Tiruchirappalli City,
Tiruchirappalli.

5. Smt.Suganya Gnanasoundari

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to sanction and disburse the $\frac{1}{2}$ shares of the death benefits and other pensionary benefits of the petitioner's deceased elder son Mr.Rajasekar, to the petitioner, within a time stipulated by this Court.

For Petitioner	: Mr.C.Kishore
For R1 to R4	: Mr.K.Mu.Muthu Additional Government Pleader
For R5	: No appearance

O R D E R

The petitioner seeks for a Writ of Mandamus, directing the respondents to sanction and disburse the $\frac{1}{2}$ shares of the death



benefits and other pensionary benefits of the petitioner's deceased elder son Mr.Rajasekar, to the petitioner, within the time stipulated by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent Nos.1 to 4. The private notice on respondent-5 was served and proof of service has been filed on 29.08.2018

3. By consent, the writ petition itself is taken up for final disposal.

4. The case of the petitioner is that she is the mother of the deceased Rajasekar, who was working as a Railway Police Constable and he met with an accident and succumbed to the injuries on 21.12.1997, while he was in service. It is also stated that on the date of death of her son, he was unmarried. Thereafter, the petitioner has made a representation to the 2nd and 4th respondents for disbursing the death and other pensionary benefits of her deceased elder son. Since the said representation has not been considered so far, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation to disburse the death and other pensionary benefits of her elder son and the said representation has not been considered so far. Subsequently, a communication dated 22.03.2002 issued by the fourth respondent stating that the petitioner's elder son had already married the fifth respondent and she also made a claim for the benefits of her deceased husband. He further submitted that the fifth respondent did not marry the petitioner's elder son. It is contended that pursuant to the said dispute between the petitioner and the fifth respondent, the petitioner has filed a suit in O.S.No.487 of 1998, before the Principal District Munsif Court, Tirunelveli, against the fourth and fifth respondents for declaration that the fifth respondent is not the legally wedded wife of her elder son Rajasekar and she is not entitled to get the death benefits. The said suit was dismissed. Against which, the petitioner preferred first appeal in A.S.No.3 of 2001 before the I Additional Sub Court, Tirunelveli, which was partly allowed. As against which, the petitioner preferred a second appeal in S.A.No.591 of 2002 and the same is pending before this Court. He further submitted that the fifth respondent, who is the wife of the deceased Rajasekar, has subsequently married another person.

6. This Court is not going to decide at this stage as to whether the fifth respondent is entitled to get pensionary benefits to an extent of 50% or the remaining 50% of the amount on account of the death of the petitioner's son and it is to be decided only in the second appeal, which is pending before this Court. As the petitioner is one of the legal heirs, she is entitled to get 50% of the arrears due to the death of her son Rajasekar. The Government has also



passed G.O.Ms.No.1287, dated 22.12.2016, extending 50% of the benefits due to the death of the petitioner's son Rajasekar to the petitioner.

7. In view of the above, as the Government has passed an order and that the petitioner is one of the legal heirs, this Court directs the concerned respondents to disburse the 50% of the death benefits to the petitioner, within a period of two months from the date of receipt of a copy of this order. Whether the petitioner would be entitled to get remaining 50% of the amount and other benefits, which is to be paid by the respondents, would be subject to the outcome of the second appeal, which is pending before this Court.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
The State of Tamil Nadu,
Home Department,
St. George Fort,
Chennai-600 009.
2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.
3. The Additional Director General of Police,
Egmore, Chennai-600 008.
4. The Superintendent of Police (Railways)
Tiruchirappalli City,
Tiruchirappalli.

Copy To:-

The Section Officer, Judicial Department,
Madurai Bench of Madras High Court, Madurai.

- + 1 CC TO Mr. C. KISHORE, ADVOCATE IN SR No. 84729
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 84893

NS

<https://hcservices.ecourts.gov.in/hcservices/>

TE/BK/SAR-4 : 24/12/2018 : 3P/8C

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17.09.2018