

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 31175 OF 2017

ORDER:

This writ petition is filed seeking a writ of Mandamus to declare the action of the respondent authorities in proposing to release/pay the monetary benefits to the respondent No.4 pertaining to Late Odaiah, inspite of objections raised by the petitioner through her representation dated 20.5.2017 as arbitrary and illegal. A consequential direction is sought to enquire into the matter pursuant to the representation dated 20.5.2017.

Heard Sri N.Hari Prasad, learned counsel for the petitioner and Smt A.Deepthi, learned Standing Counsel for the respondents 1 to 3.

It is the case of the petitioner that the petitioner is the daughter of one Late G.Odaiah, who had died while he was working as Lineman on 02.04.2017. The respondent No.4 is the legally wedded wife of Late Odaiah and the official respondents are paying the entire terminal benefits to the respondent No.4. The petitioner being the daughter of Odaiah had submitted her claim vide representation dated 20.5.2017 and the official respondents are not disclosing as to the total extent of terminal benefits which are to be released in favour of family members of Late Odaiah.

The matters of entitlement cannot be decided in a writ petition under Article 226 of the Constitution of India. Such claims are to be agitated

before the competent Civil Court for issuance of succession certificate in respect of rival claimants.

It is submitted by learned counsel for the petitioner that the official respondents are not disclosing the extent of amounts to which Late Odaiah is entitled. If the same is furnished to the petitioner, the petitioner would approach the competent Civil Court and file a suit for succession.

If that be the case, the respondents 1 to 3 are directed to inform the petitioner and also other legal representatives, who were claiming the terminal benefits of Late Odaiah, about the total extent of amounts which are liable to be disbursed to the family members of Late Obaiah, so that the persons who are claiming to be the legal representatives of Late Obaiah can approach the Civil Court by filing appropriate proceedings.

With the above directions, the writ petition is disposed of.

Consequently, pending miscellaneous petitions, if any, in the writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 04.01.2018

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