

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.2843 of 2019
and
W.M.P.No.3104 of 2019

K.Palaniammal

...Petitioner

Vs

The Commissioner,
Gobichettipalayam Municipality,
Erode District.

...Respondent

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order in Na.Ka.No.2590/2016/B4 dated 06.09.2016, on the file of respondent and quash the same and consequently directing the respondent to disburse with all service benefits to the petitioner.

For Petitioner : Mr.Naveenkumar murthi
for M/s.V.P.K.Gowtham

ORDER

The order of rejection dated 06.09.2016, rejecting the claim of the writ petitioner for settling the pensionary and retirement benefits due to the deceased employee Smt.Palaniammal is under challenge in this present writ petition.

2. On a perusal of the legal heir certificate issued by the Tashildar shows that the writ petitioner Smt.Palaniammal is a clause 2 legal heir (maternal aunt). Therefore, the writ petitioner has to submit appropriate orders from the Court of law for the purpose of establishing their rights to get the terminal and pensionary benefits. In view of the fact that a mere legal heir certificate is not sufficient to settle the pensioner and retirement benefits in view of the fact that the petitioner is not a Clause 1 legal heir, this Court is of an

opinion that there is no infirmity as such in respect of the impugned order passed in the present writ petition.

3. However, the writ petitioner is at liberty to approach the competent authority for the purpose of establishing her right for receiving the terminal and retirement benefits of the deceased employee. In the event of submitting any such orders from the competent Court of law, the authorities competent shall consider the claim of the writ petitioner on merits and in accordance with law.

4. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

The Commissioner,
Gobichettipalayam Municipality,
Erode District.

+lcc to M/s.V.P.K.Gowtham, Advocate, S.R.No.9488

W.P.No.2843 of 2019

CA(Co)
CS/05/03/2019

सत्यमेव जयते

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