

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27263 of 2004

K.Balakrishnan

... Petitioner

Vs.

1.The Executive Engineer (Electricals),  
MCE.M-11, C.P.W.D.,  
Shastri Bhavan,  
Chennai 600 006.

2. The Secretary,  
Central P.W.D. Employees,  
Co-operative Society's Limited,  
I Floor, "A" Wing,  
Shastri Bhavan, Chennai 6.

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to issue the legal benefits and dues of late M.Devaraj to the petitioner with interest.

For Petitioner : M/s.S.Gunaseelan

For Respondents: Mr.Deepan Raj  
for Mr.K.Raju, CGSC, for R1

No Appearance, for R2

OR D E R

This petition has been filed for issuance of a Writ of Mandamus to direct the first respondent to release the legal benefits and dues of late M.Devaraj to the petitioner.

2. The petitioner herein is the adopted son of late N.Devaraj, who was employed under the respondents herein. During his lifetime, the aforesaid N.Devaraj had adopted the petitioner herein and had also executed a Will dated 16.08.1991 bequeathing all his legal benefits and dues from the respondents to the petitioner. In the official records also, the petitioner herein was nominated to receive the legal benefits and dues from the respondents. After the death of N.Devaraj, when the petitioner

had sought for DCRG benefits from the respondents, by a letter dated 07.12.1992, the respondents had sought for production of succession certificate from the petitioner.

3. Subsequently, the petitioner along with his parents had obtained succession certificate, dated 29.06.1994, in O.P.No.27 of 1994 before this Court. When the petitioner had produced the succession certificate along with legal notice, dated 02.07.2004 to the respondents herein, requesting them to release the legal benefits of late N.Devaraj, the same were received by the respondents herein and no order has been passed, which prompted the petitioner to file the present Writ Petition.

4. It is seen that the succession certificate has been filed by the petitioner along with his parents and in the order, dated 29.06.2004, the certificate has been granted in favour of the petitioner herein empowering him to collect the DCRG benefits of late N.Devaraj. From the records herein, it is also seen that the schedule annexed to the succession certificate evidences his DCRG benefits. When the first respondent had categorically stated that the succession certificate has to be produced for the purpose of releasing DCRG, and such a succession certificate has also been produced by the petitioner, there cannot be any impediment on the part of the respondents to release the same.

5. However since the request for release of DCRG was made way back in 2004, it would not be appropriate to direct the respondents to consider such a representation made 14 years back.

6. In the light of the above observations, the petitioner is granted liberty to make a fresh representation enclosing the necessary testimonials along with the succession certificate to the first respondent herein and on receipt of such representation, the first respondent shall forthwith release the DCRG of late N.Devaraj to the petitioner herein, in any case, within a period of eight weeks from the date of receipt of the petitioner's representation.

7. With the above observations and directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1.The Executive Engineer (Electricals),  
MCE.M-11, C.P.W.D.,  
Shastri Bhavan,  
Chennai 600 006.

2.The Secretary,  
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Co-operative Society's Limited,  
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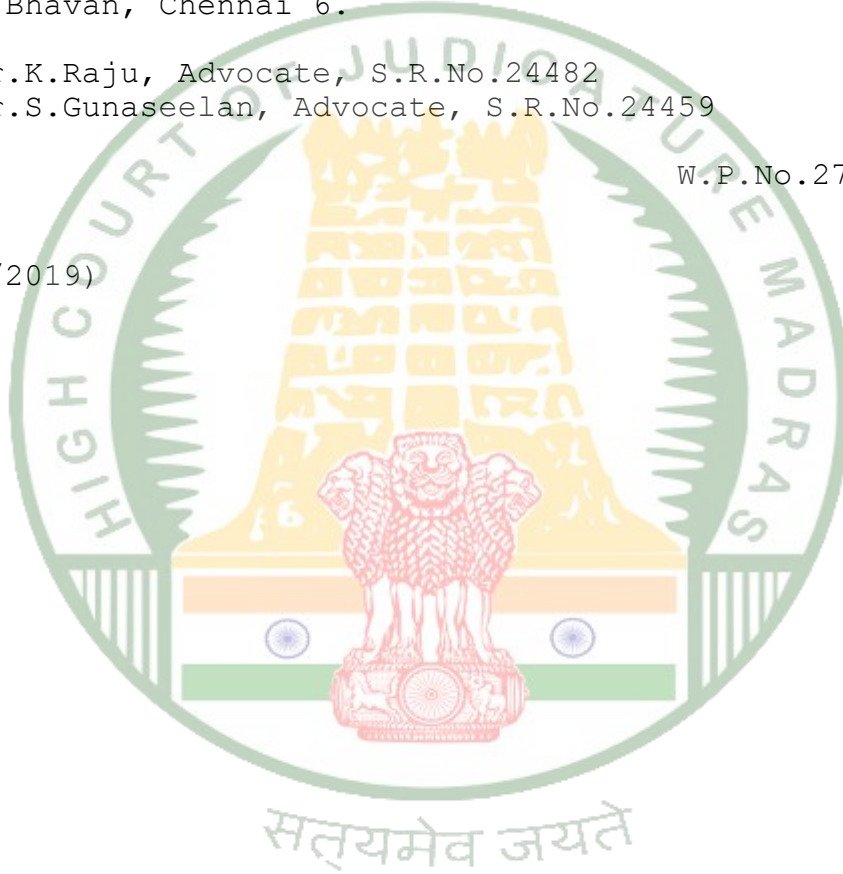
+1cc to Mr.K.Raju, Advocate, S.R.No.24482

+1cc to Mr.S.Gunaseelan, Advocate, S.R.No.24459

W.P.No.27263 of 2004

MR(CO)

RRS (02/05/2019)



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