

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.14015 of 2005

1. Victor Manoharan (died)

2. Soundaram

3. Glory Jebamani

4. Esther Jebamani

... Petitioners

[P2 to P4 are substituted as per the order
of this Court, dated 22.03.2019
in WMP.No.24213 of 2008]

Vs.

1. District Collector,
Kancheepuram District,
Kancheepuram.

2. The Child Development Programme Officer,
No.9, Vadarayan Street,
Maduranthagam.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to forthwith disburse the death-cum-retirement gratuity benefits to the petitioner, being the nominee of late Jeevamani, Anganvadi helper at Satamai Anganvadi Center, Maduranthagam Taluk under the control of the second respondent.

For Petitioners : Ms/.Usha Raman

For Respondents : Mrs.K.Bhuvaneswari, AGP, for R1
No Appearance, for R2

O R D E R

This petition has been filed to direct the respondents to forthwith disburse the death-cum-retirement gratuity benefits to the petitioners.

2. It is the submission of the learned counsel for the petitioners that the maternal aunt of the first petitioner, viz., Jeevamani, was employed as Anganvadi helper at Satamai Anganvadi Center, Maduranthagam Taluk under the control of the second respondent and she died on 31.10.2001, while in service. Since her husband had pre-deceased her, there were no other legal heirs except the first petitioner, viz., Victor Manoharan. Furthermore, the employee viz., late Jeevamani had nominated the first petitioner in her service register to receive her DCRG. Since the representation made by the deceased first petitioner was in the year 2003 and the same was not considered and the benefit was also not granted in favour of the first petitioner, this Writ Petition has been filed.

3. Pending the Writ Petition, the first petitioner, viz., Victor Manoharan died and he is now represented by his legal heirs, who are his widow wife and two daughters.

4. The learned Additional Government Pleader submitted that the application was not supported by legal heirship certificate or any other documents evidencing that the deceased first petitioner was entitled to receive the DCRG.

5. As such, the consideration of the representation, which was made in the year 2003 without any documentary evidences at this point of time may not be proper. Nevertheless, since the first petitioner claimed to have been nominated by the deceased employee, viz., Jeevamani, it would be appropriate to grant liberty to the petitioners herein to make an appropriate representation before the concerned authorities.

6. In the light of the above observations, the petitioners herein are granted liberty to make a fresh representation to the first respondent herein ventilating their grievances seeking for DCRG benefits of late Jeevamani former Anganvadi Helper in Satamai Anganvadi Center, Maduranthagam Taluk, along with necessary legal heirship certificate and other documentary proofs evidencing that they are entitled to receive the DCRG. On receipt of such representation, the first respondent shall consider the same on its own merits and pass appropriate orders as expeditiously as possible, in any event, within a period of three months therefrom. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pvs

To

1. District Collector,
Kancheepuram District,
Kancheepuram.
2. The Child Development Programme Officer,
No.9, Vadarayan Street,
Maduranthagam.

+1cc to Government Pleader sr.28032

W.P.No.14015 of 2005

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nr 26/06/2019



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