

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16901 of 2019

And

W.M.P.Nos.16488 and 16489 of 2019

1.G.Thangammal

2.Gopal

... Petitioners

Vs.

1. The Director General,
CRPF, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

2. The Director of Accounts,
PAO, CRPF
No.14, PSP - 2, Rohini Sector - 23
New Delhi - 110 085.

3. The Deputy Inspector General of Police
Group Centre Taralu, CRPF,
Yelahanka, Bangalore,
Karnataka.

4. The Commandant,
109 Battalion, CRPF,
Mongsangei (PO),
Canchipur,
Imphal, Manipur.
Pin Code No.795 003.

5.R.Bakiya

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 15.05.2019 and to give 50% of share of the remaining death benefits of their deceased son such as gratuity, family pension, life insurance, CGGIS amount, leave encashment and other dues for their livelihood.

For Petitioners: Ms.R.Meenakshi

For Respondents: Mr.T.L.Thirumalaisamy for R1 to R4
(CGSC)

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus directing the respondents to consider the petitioners' representation dated 15.05.2019 and to give 50% of share of the remaining death benefits of their deceased son such as gratuity, family pension, life insurance, CGGIS amount, leave encashment and other dues for their livelihood.

2. Heard the arguments advanced on either side.

3. The case of the petitioners is that their son was working as Constable (General Duty) in the Central Reserve Police Force and he died due to illness while he was in service. The petitioners received 40% of risk fund and for getting 50% of share of the remaining death benefits of their deceased son such as gratuity, family pension, life insurance, CGGIS amount, leave encashment and other dues for their livelihood, the petitioners have filed this writ petition.

4. The learned counsel appearing for the petitioners would submit that the petitioners received the risk fund of Rs.2,50,000/- and for the remaining death benefits of their son, they have filed the writ petition.

5. The learned Central Government Standing Counsel appearing for the respondents 1 to 4 would submit that only the wife of the deceased employee is entitled to get the death benefits and parents are not entitled to get the death benefits. Hence, the grievance of the petitioners cannot be considered.

6. The petitioners have received their share from the risk fund. As per the Service Rule, the wife alone is entitled to get the death benefits and the parents are not entitled to get the other benefits. In view of the legal position, the writ petition is dismissed.

7. The writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1.The Director General,
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Pin Code No.795 003.

+1 CC to Mr.T.L.Thirumalaisamy, Advocate sr 88533.

+1 CC to Mr.R. Meenakshi, Advocate sr 88412.

W.P.No.16901 of 2019

And

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PVS (CO)
SP(25/11/2019)

सत्यमेव जयते

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