

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.24890 of 2014
and W.M.P.No.1 of 2014

Tmt.N.Sarasu @ Saraswathi

.. Petitioner

Vs.

1. The Chennai Metropolitan Water Supply and Sewerage Board,
Rep. by its Chairman & Managing Director,
P & A [LR] Department,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
2. The Chennai Metropolitan Water Supply and Sewerage Board,
Rep. by its General Manager,
P & A [LR] Department,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
3. The Tahsildar,
Tahsildar Office,
Purasawalkam - Perambur Division,
Chennai - 600 011.
4. Mathi
5. The Accountant General (A&E),
Teynampet,
Chennai - 600 018.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS calling for the records relating to the impugned letter bearing No.S KU VA/PA MA NE/Tho Tho6/24167/2013, dated 16.07.2013, issued by the second respondent herein, to quash the same and consequently direct the respondents herein to pay the Family Pension from 01.01.2004 to the petitioner Tmt.N.Sarasu @ Saraswathi and continue to pay the same till her life time and pay all the retirement and terminal benefits of Thiru.[Late] N.Kasi, to the fourth respondent herein viz., Thiru.Mathi, within a short date fixed by this Court and further direct the first and second respondents herein to pay

simple interest @ 18% per annum from 01.01.2004 to the date of payment of terminal benefits.

For petitioner : Mr.K.S.Govindaprasad

For R1 & R2 : Mr.N.Ramesh

For R3 : Additional Government Pleader

For R4 : Mr.Mathi (Party-in-person)

For R5 : Mr.V.Murali

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O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS calling for the records relating to the impugned letter bearing No.S KU VA/PA MA NE/Tho Tho6/24167/2013, dated 16.07.2013, issued by the second respondent herein, to quash the same and consequently direct the respondents herein to pay the Family Pension from 01.01.2004 to the petitioner Tmt.N.Sarasu @ Saraswathi and continue to pay the same till her life time and pay all the retirement and terminal benefits of Thiru.[Late] N.Kasi, to the fourth respondent herein viz., Thiru.Mathi, within a short date fixed by this Court and further direct the first and second respondents herein to pay simple interest @ 18% per annum from 01.01.2004 to the date of payment of terminal benefits.

2.According to the learned counsel for the petitioner, the petitioner's husband was a permanent employee of the respondent Board and he was suffering from Pulmonary Tuberculosis and he died on 22.12.2003. The petitioner made a representation on 01.01.2013 and requested the first respondent to release the due amount standing to the credit of the petitioner's husband and all other terminal benefits. The petitioner filed a Writ Petition before this Court in W.P.No.9166 of 2013 and this Court has directed the first respondent to consider the representation of the petitioner dated 01.01.2013 on merits and in accordance with law.

3.The second respondent passed the impugned order dated 16.07.2013 by rejecting the petitioner's request for granting of terminal benefits and other retirement benefits.

4.According to the learned counsel for the petitioner, the petitioner is the wife of the deceased N.Kasi and that the Legal heirship certificate also issued by the third respondent on 21.04.2005. One Kamatchi is the mother of the deceased and they are the legal heirs of the said deceased N.Kasi. The petitioner

has not impleaded the aforesaid Kamatchi, mother of the deceased N.Kasi as a party in the present writ petition.

5.Considering the above submissions made by the learned counsel for the petitioner, this Court has no hesitation to quash the impugned proceedings and directed the first respondent to consider the petitioner's claim afresh on merits and in accordance in law, after providing the opportunity to the petitioner and the legal heirs of the deceased N.Kasi, if any, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order.

6.Accordingly, the writ petition is disposed of with the above direction. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-VI)

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To Sub Assistant Registrar

1. The Chennai Metropolitan Water Supply and Sewerage Board,
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3. The Tahsildar,
Tahsildar Office,
Purasawalkam - Perambur Division,
Chennai - 600 011.
4. The Accountant General (A&E),
Teynampet, Chennai - 600 018.

+1 cc to Mr.V.Murali, Advocate, S.R.No.14508
+1 cc to Mr.K.S.Govindaprasad, Advocate, S.R.No.14723
+1 cc to Mr.N.Ramesh, Advocate, S.R.No.15522

NRL(CO)
SSM(13/03/2019).

W.P.No.24890 of 2014