

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27573 of 2019

M.Palaniammal, (Widow)

... Petitioner

Vs.

1. The Secretary to the Government,
Adi - Dravidar/Tribal Welfare,
Fort St. George,
Chennai - 600 009.
2. The Commissioner of Adi-
Dravidar Welfare Department,
Chepauk, Chennai - 600 005.
3. The District Collector,
Office of the District Collector,
Villupuram.
4. The Thasildar,
Adi - Dravidar of Welfare,
Kallakurichi,
Villupuram District.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the third respondent to issue the Petitioner's son M.Sureshkumar's pension benefit to the petitioner.

For Petitioner : Mr.T.Jayaramaraj

For Respondents : Mr.R.S. Selvam
Government Advocate

O R D E R

This Writ Petition has been filed by the petitioner, seeking for the issuance of Writ of Mandamus, to direct the third respondent to grant the petitioner's son M.Sureshkumar's Pension benefit to the petitioner.

2. According to the petitioner, she is the mother of the deceased employee, namely, Mr.M.Sureshkumar who died due to illness on 16.05.2010 while in harness. The deceased employee married one Valli and was blessed with two kids. The petitioner claims that her daughter in law is working as a teacher and she has been living separately and she had not taken care of the parents in law. Thereafter, the husband of the petitioner also died on now the petitioner is facing financial crisis and even struggling out to eke out her livelihood. In such circumstances, the petitioner made a representation 16.02.2018 to the respondent seeking to grant pensionary benefits to her. Since, no response is forthcoming from the respondents the petitioner is before this Court.

3. The learned Government Advocate appearing for the respondents would submit that since the deceased employee died leaving his wife, two kids and parents as his legal heirs and his wife is entitled to the pensionary benefits. She also produced a copy of the proceedings of the 4th respondent dated 20.09.2019 wherein, it was mentioned that the deceased employee filed a petition in H.M.O.P. No. 37 of 2008 before the Sub Court, Kallakurichi for restitution of conjugal rights, which came to be dismissed on 17.03.2010. Therefore, the learned Government advocate would submit that, the wife of the deceased employee also a stakeholder of pensionary benefits, the respondents will consider the representation made by the petitioner by affording opportunity to both of them.

4. Considering the facts and circumstances and submissions made by the learned counsel for the petitioner and learned Government Advocate, this Court directs the respondents to consider the representation of the petitioner dated 16.02.2018 and pass appropriate orders in accordance with law and on merits after affording opportunity to both the petitioner and the wife of the deceased employee, with in a period of twelve weeks from the date of receipt of copy of this order.

5. With the above direction this Writ Petition is disposed of. No costs.

ebsi

Sd/-

Assistant Registrar(J)

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Sub Assistant Registrar

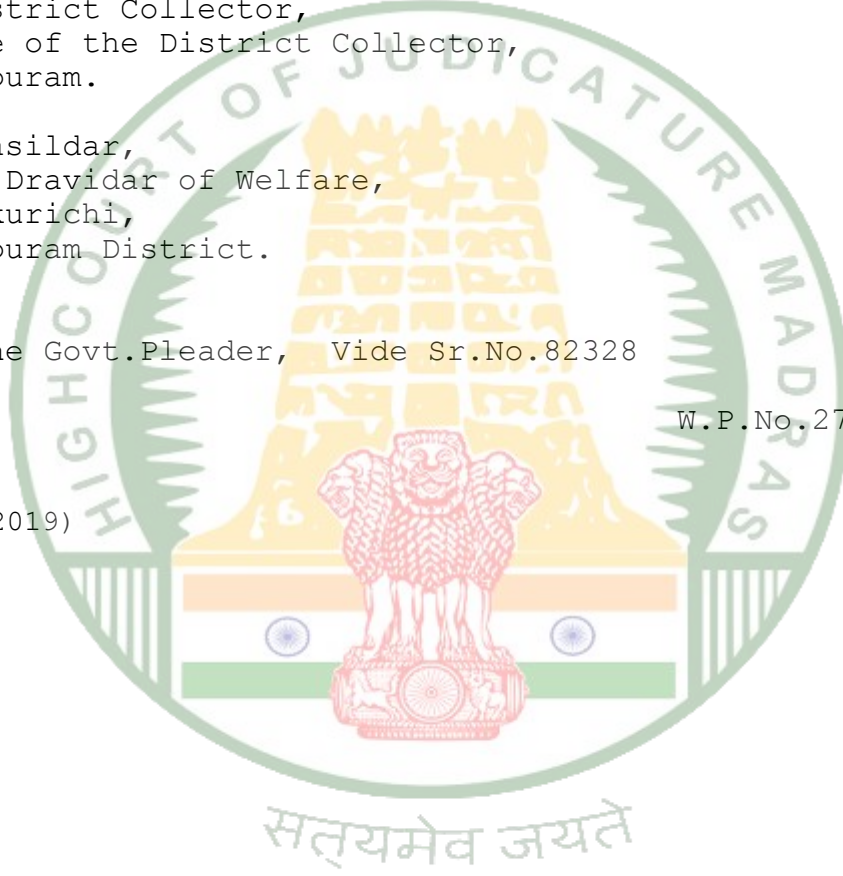
To

1. The Secretary to the Government,
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+1cc to the Govt.Pleader, Vide Sr.No.82328

W.P.No.27573 of 2019

Kak(24/10/2019)



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