



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D. KRISHNAKUMAR**

WP (MD) No.14178 of 2019

M. Daniya

... Petitioner

Vs.

The Registrar,
Gandhigramam Rural Institute,
Gandhigramam,
Dindigul,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to disburse the petitioner's proportionate share in the death benefits of her deceased father who was employed as Technical Assistant in their office in pursuance of the communication dated 15.04.2019 under Ref.Estt. 4/Pension / 2019 -20-019, within a time frame as stipulated by this Court.

For Petitioner : Mr. S. Palani Velayutham
For Respondent : Mr.Ma.Pa. Thangavel
Standing Counsel.

ORDER

This Writ Petition has been filed for issuing a direction to the respondent to disburse the petitioner's proportionate share in the death benefits of her deceased father, who was employed as Technical Assistant in their office in pursuance of the communication, dated 15.04.2019 under Ref.Estt. 4/Pension / 2019 -20-019, within a time frame as stipulated by this Court.

2. Mr. Ma.Pa. Thangavel, learned Standing Counsel takes notice for the respondent.

3. By consent of parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner, who is the daughter of the deceased employee of the respondent, has sent a representation to the respondent dated 03.06.2019, claiming that her mother got married only after the death of the first wife of her father. Hence, she has filed a writ petition in O.S.No.351 of 2017, on the file of learned Principal District Munsif, Dindigul, for declaring her as a legal heir of the deceased employee and the same was decreed on

19.02.2018. Pursuant to the same, the petitioner got legal heir certificate and applied for her proportionate share of the deceased employee. The respondent after scrutinizing the relevant documents as submitted by the petitioner, issued the proceeding, dated 15.04.2019 and as per the said proceeding, petitioner is equally entitled to pension benefits as like the first wife's legal heirs. But, so far, the said order has not been implemented. Hence, the petitioner has filed the present Writ Petition before this Court.

5. The learned Standing Counsel appearing for the respondent would submit that the respondent will consider the claim of the petitioner on merits and in accordance with law within the time limit to be fixed by this Court.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner, dated 03.06.2019, on merits on merits and in accordance with law, and pass appropriate orders as expeditiously as possible, in any event not later than twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

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

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

trp

To

The Registrar,
Gandhigramam Rural Institute,
Gandhigramam,
Dindigul, Dindigul District.

+1CC TO MR.S.PALANIVELAYUTHAM, Advocate Sr. No. 71492

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25.06.2019

MT (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
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