



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P(MD) No.24309 of 2018

WEB COPY

V. Karuppanan

... Petitioner

-vs-

1.The Treasury Officer,
District Treasury,
Madurai.

2.The Assistant Treasury Officer,
Sub Treasury,
Usilampatti,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent, the petitioner send the detailed representation on 20.09.2018.

For Petitioner : Dr. K. Malathi
For Respondents 1 & 2 : Mr.S. Angappan
Government Advocate

O R D E R

This writ petition has been filed, seeking to direct the first respondent, to consider the petitioner's representation dated 20.09.2018.

2. The petitioner claims his retirement benefit, which was un-necessarily withheld by the respondents, based on the complaint lodged by one Iruli @ Iruldevi, who was said to be claimant, second wife of the petitioner.

3. According to the learned counsel appearing for the petitioner, the petitioner made detailed explanation to the respondents denying all the allegations levelled against him and hence, at any cost the petitioner's pensionary benefits cannot be withheld unless otherwise any legal impediment is shown by the respondents.

4. The learned Government Advocate appearing for the respondents filed a counter affidavit, wherein at Paragraph No.11, it has been held as follows:



"11. It is submitted that in W.P(MD).No.24026 of 2018 and W.MP(MD).No.21752 of 2018, dated 13.12.2018, this Hon'ble Court observed that "Pension, DCRG., G.P.F., Encashment of unearned leave and Special Provident Fund are all assets of the Government employee who was retired. None of the heirs have a right over the same during his life time. Therefore, the heirs of the Government employee cannot object to the payment of the retirement benefits to the Government employee. If they have any right to seek maintenance, it is for them to enforce such right in a manner known to law. The authorities cannot, on the basis of such complaint detain the amounts due to the Government employee on his retirement. The succession laws do not provide for a right by birth to the heirs in the self acquired property of a male Hindu." and ordered to disburse the retirement benefits due to the petitioner within a period of six weeks from the date of receipt of the order."

3. In such view of the matter, the petitioner's claim shall be considered on merits and in accordance with law, if there are no legal impediments, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Crl side)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Treasury Officer ,
District Treasury, Madurai.
2.The Assistant Treasury Officer,
Sub Treasury, Usilampatti,
Madurai.

+1cc to M/S.K.MALATHI, Advocate, SR.No. 49520

+1cc to M/s.Special Government Pleader,SR.No. 50139

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