



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.8953 of 2015

R.Subburaj

... Petitioner

vs.

1.The Dean,
Tirunelveli Medical College Hospital
Tirunelveli.

2.The Medical Superintendent
Tirunelveli Medical College Hospital
Tirunelveli.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus call for the records pertaining to the impugned proceedings in O.Mu.No.15904/Nee7/2014 dated 24.11.2105 passed by the 1st respondent and quash and consequently direct the respondents to disburse the retirement and monetary benefits of late.Ramasamy to the petitioner and pass such further or other orders.

For Petitioner : Mr.G.Karnan

For Respondents : Mrs.J.Padmavathy Devi

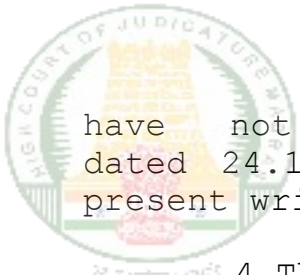
Spl. Government Pleader for RR-1 & 2

ORDER

The Writ Petition has been filed, challenging the impugned proceedings passed by the 1st respondent, dated 24.11.2105 and quash the same and consequently direct the respondents to disburse the retirement and monetary benefits of late.Ramasamy to the petitioner.

2. Heard the learned Counsel appearing for the petitioner and Mrs.J.Padmavathy Devi, learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that while sanctioning family benefit fund to the legal heirs of the deceased, it was found that one among them is the petitioner herein. Hence, the first respondent directed the petitioner to furnish necessary certificates so as to consider him for payment of retirement benefits of late Ramasamy. It is the grievance of the petitioner that despite all the required certificates had already been produced, the respondents



have not considered the same and sent the impugned proceedings dated 24.11.2014. Therefore, he is before this Court with the present writ petition.

4. The first respondent has filed a counter affidavit, wherein, it is stated as follows:

"As per the above, the petitioner has been directed to furnish the details and the present stage of the wife of the deceased Govt. servant S.Ramasamy along with succession certificate from the court and to submit the application in the prescribed format vide this office ref.no.15904/E7/2014, dt. 24.11.2014.

i) It is submitted that the order dt. 24.11.2014 passed by the 1st respondent is not enface and not illegal and there is no grounds to be quashed.

ii) It is submitted that the petitioner has not submitted the death certificate of his mother late Tmt.Esakkiammal.

iii) It is submitted that the petitioner has also been accepted as the one of the legal heir of the deceased Govt. servant S.Ramasamy and he has been directed to furnish the records so as to enable this office to forward the same to the Accountant General (A&E), Chennai-18.

iv) It is submitted that the petitioner has been directed to furnish the records so as to enable this office to forward the same to the Accountant General (A&E), Chennai 18.

v) It is submitted that the ref.No.15904/E7/2014 dt. 24.11.2014 of the 1st respondent is only the letter directing the petitioner to furnish the particulars, documents and application in the prescribed format in order to forward the same to the Accountant General (A&E), Chennai 18 for authorisation."

5. In the light of the averments made in the counter affidavit filed by the first respondent, this Court is of the opinion that the impugned proceedings is only a communication, wherein, the petitioner was directed to furnish certain certificates for disbursement of retirement benefits due to the late Ramasamy. Hence, the petitioner is directed to produce all the required certificates to the first respondent within a period of two weeks from the date of receipt of copy of this order. On such production, the first respondent shall consider the same and sanction the benefits due to the legal heirs of the deceased employee, if there are no legal impediments, within a period of 4 weeks thereafter.



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6.The Writ Petition stands disposed of with the above terms.
No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Dean,
Tirunelveli Medical College Hospital
Tirunelveli.

2.The Medical Superintendent
Tirunelveli Medical College Hospital
Tirunelveli.

+1cc to Mr.G.Karnan, Advocate, SR.No. 58579

+1cc to M/s.Special Government Pleader,SR.No. 58892

W.P(MD) No.8953 of 2015

VS

KK/SAR/09.05.2019/ 3P- 5C

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