



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.406 of 2017

WEB COPY

1.Rajagopalan

2.Pavalakodi

3.Indumathi

... Petitioners

Vs.

1. Chief Secretary/Special Commissioner,
Integrated Child Development Scheme,
Teynampet,
Chennai 600 113.

2. The District Collector,
Pudukkottai.

3. Project Officer/Special Commissioner,
Integrated Child Development Scheme,
Pudukkottai & District.

4. Integrated Child Development Officer,
Aranthangi,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay the petitioners, the death benefit fund of the petitioners sister Mallika, daughter of Subbaiah, who was working as Anganwadi Assistant at Kurumbur Village, Aranthangi Taluk, Pudukkottai District along with interest for the delayed payment.

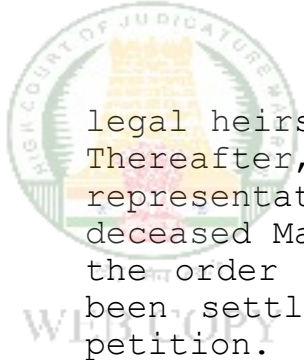
For Petitioners : Mr.N.Balakrishnan

For Respondents : Mr.CM.Mari Chellaiah Prabhu
Additional Government Pleader

ORDER

Seeking for a direction to the respondents to pay the death benefit of the petitioners' sister Mallika, along with interest, to the petitioners, the present writ petition has been filed.

2.The case of the petitioners is that their unmarried sister Mallika, who was working as Anganwadi Assistant in the respondent department, died on 12.04.2011. Subsequently, the petitioners obtained the legal heir certificate. They also filed a suit in O.S.No.3 of 2012 and obtained a decree declaring that they are the



legal heirs of the deceased Mallika, vide judgment dated 28.07.2015. Thereafter, the petitioners approached the authorities with a representation dated 08.10.2016 seeking death benefits of the deceased Mallika, by enclosing the legal heir certificate as well as the order passed in the suit. However, the said benefits have not been settled to the petitioners so far. Hence, the present writ petition.

3.The learned Additional Government Pleader appearing for the respondents referring to the averments made in the counter affidavit filed by the fourth respondent, submitted that as against the judgment dated 28.07.2015 passed in O.S.No.3 of 2012 by the learned District Munsif, Aranthangi, an appeal in A.S.No.10 of 2017 has been filed by the respondents and the same is pending before the Sub Court, Pudukkottai and hence, the claim of the petitioners has not been considered, till date.

4.In reply, the learned counsel appearing for the petitioners submitted that the appeal in A.S.No.10 of 2017 filed by the respondents is in no way connected with the present case and hence, there is no impediment for the respondents to settle the amount as claimed by the petitioners.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court is of the view that the respondents are bound to pay the death benefits as claimed by the petitioners, as the petitioners have duly established their claim by producing legal heir certificate as well as the decree passed by the Civil Court. Hence, the respondents are directed to settle the entire death benefits of Mallika to the petitioners, along with interest at the rate of 9% for the belated period, within a period of six weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of, on the above terms. No costs.

sd/
Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. Chief Secretary/Special Commissioner,
Integrated Child Development Scheme,
Teynampet,
Chennai 600 113.

2. The District Collector,
Pudukkottai.



3. Project Officer/Special Commissioner,
Integrated Child Development Scheme,
Pudukkottai & District.

4. Integrated Child Development Officer,
Aranthangi,
Pudukkottai District.

+1 CC to SPL GP (SR-57975[F] dated 29/03/2019)

W.P(MD) No.406 of 2017
28.03.2019

MM/RK

_MK (12.06.2019) 3P 6C