



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.20920 of 2019

WEB COPY

K.Esakimuthu

....Petitioner

Vs

1.The Commissioner

Commissionerate of Municipal Administration
Ezhilagam Annexure
Chepauk
Chennai 600 005

2.The Regional Director

Commissionerate of Municipal Administration
Tirunelveli

3.The Director

Local Fund Audit Department
5th Floor, Saidapet
Animal Husbandry Department Campus
Nandhanam, Chennai

4.The Commissioner

Aruppukkottai Municipality
Aruppukkottai
Virudhunagar District

....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the death cum retirement benefit of the petitioner's deceased mother Gomathi's legal heirs who worked as Sanitary Worker in the 4th respondent Municipality and died on 03.02.2015 while on service.

For Petitioner : Mr.R.Murugappan

For R1to R3 :Mr.S.Dhayalan
Government Advocate

For R4 :Mr.Dilip Kumar



ORDER

This Writ petition has been filed for a direction to the respondents to disburse the death cum retirement benefit of the petitioner's deceased mother Gomathi's legal heirs, who worked as Sanitary Worker in the 4th respondent Municipality.

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2.The learned counsel appearing for the petitioner submitted that the petitioner's mother was working as Sanitary Worker in the fourth respondent Municipality and died on 03.02.2015, while she was in service, leaving behind the petitioner and two others as her legal heirs. Therefore, the petitioner and his family members have approached the fourth respondent for disbursement of the death cum retirement benefits of their mother Gomathi. The petitioner made several representations to the fourth respondent, but he has not passed any order. Hence, the petitioner has come out with the present writ petition.

3.The learned Government Advocate appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent submitted that the entire benefits payable to the mother of the petitioner was paid to the petitioner's sister, namely Mariammal on the basis of the Will produced by her. If any direction is issued to consider the representation of the petitioner, the respondents will consider the same and pass orders on merits.

4.Heard Mr.R.Murugappan, learned counsel appearing for the petitioner, Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.Dilip Kumar, learned counsel appearing for the fourth respondent.

5.Considering the abovesaid submissions made by the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 3 and the learned counsel for the fourth respondent, the fourth respondent is directed to consider the representation of the petitioner, dated 12.09.2019 and pass orders, on merits and in accordance with law, within a period of twelve (12) weeks, from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



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Commissionerate of Municipal Administration
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4.The Commissioner
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Aruppukkottai
Virudhunagar District

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-90044[F] dated
27/09/2019)

+1 CC to M/s.R. MURUGAPPAN, Advocate (SR-90462[F] dated
30/09/2019)

+1 CC to M/s.SPL GP (SR-90579[F] dated 30/09/2019)

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