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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD)No.21038 of 2019

and

W.M.P(MD)No.17636 of 2019

K.Sathiya

... Petitioner

Vs.

1.The District Collector,
Collectorate (Development Section),
Madurai-625 020,
Madurai District.

2.The Commissioner/
Block Development Officer,
Sedapatti Panchayat Union,
Sedapatti, Madurai District.

3.K.Indhra

4.Jegan

5.Ragu

6.Mathankumar

7.Guruvammal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the family pension and terminal benefits of the petitioner's father deceased A.Karuppaiah, Office Assistant, due to the petitioner as per law within the time frame stipulated by this Court.

For Petitioner : Mr.R.Vijayakumar

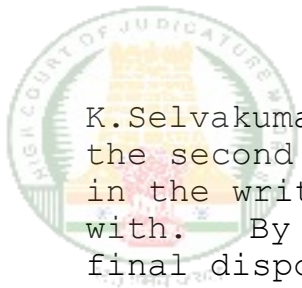
For R1 : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader

For R2 : Mr.Aayiram K.Selvakumar
Additional Government Pleader

ORDER

This writ petition is filed seeking for a mandamus, directing the respondents 1 and 2 to disburse the family pension and terminal benefits of the petitioner's father deceased A.Karuppaiah, Office Assistant, due to the petitioner, as per law.

2. Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice for the first respondent and Mr.Aayiram
<https://hcservices.ecourts.gov.in/hcservices/>



K.Selvakumar, learned Additional Government Pleader takes notice for the second respondent. Since no adverse order is going to be passed in the writ petitions, notice to the respondents 3 to 7 is dispensed with. By consent of parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. According to the petitioner, her father Late A.Karuppaiah was working as Office Assistant at Sedapatti Panchayat Union Office under the second respondent and he died on 14.11.2017, while he was in service, leaving the petitioner, her mother and respondents 3 to 7 as his legal heirs. Her father Late A.Karuppaiah had two wives, namely, K.Indhra and K.Nagalakshmi. Her father married K.Nagalakshmi during the year 1994 and the petitioner was born in the said wedlock on 04.04.1995. Her father had three sons namely, respondents 4 to 6 through first wife, the third respondent herein. During the life time of her father, the petitioner was also shown as his daughter in his service records. In the Legal Heirs certificate, the petitioner was also shown as one of the legal heirs along with respondents 3 to 7. She gave representations to the respondents 1 and 2, seeking for family pension and terminal benefits of her father Late.A.Karuppaiah, to which, she is entitled to, as his legal heirs as per Section 45(5) of the Tamil Nadu Pension Rules. Thereafter, the petitioner came to know that the third respondent filed a writ petition in W.P.(MD)No.17709 of 2018, for a direction to the second respondent to disburse the retirement benefits payable to her husband Late.A.Karuppaiah, showing the petitioner as third respondent. When the matter was taken up for hearing on 28.03.2019, the petitioner appeared through counsel. This Court, by order, dated 28.03.2019, directed the respondents 1 & 2 to consider the representation of the petitioner therein, dated 31.07.2018 (third respondent herein) and pass appropriate orders on merits and in accordance with law, after affording an opportunity to the petitioner therein/third respondent herein, within a period of eight weeks from the date of receipt of the order. In view of the said order, the respondents 1 & 2 are taking steps to settle the entire terminal benefits of her father to the third respondent alone. Therefore, the petitioner has come out with the present writ petition.

4. Considering the entire materials on record and nature of relief sought for by the petitioner and the earlier order passed by this Court in W.P(MD)No.17709 of 2018, dated 28.03.2019, it is suffice to direct the respondents 1 & 2 to consider the representation of the petitioner, dated 20.06.2019 and representation, dated 31.07.2018 of the third respondent and pass orders on merits and in accordance with law, after hearing the petitioner as well as the respondents 3 to 7, within a period of eight (8) weeks from the date of receipt of a copy of this order. Till the disposal of the representation, dated 20.06.2019, the respondents 1 & 2 are directed not to disburse the pensionary benefits to the third respondent.



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W.P.(MD)No.21038 of 2019

6.With the above direction, the writ petition is disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Collectorate (Development Section),
Madurai-625 020,
Madurai District.

2.The Commissioner/
Block Development Officer,
Sedapatti Panchayat Union,
Sedapatti, Madurai District.

+1 CC to M/s.R. VIJAYAKUMAR, Advocate (SR-90625[F] dated 01/10/2019)

+1 CC to M/s.SPL GP (SR-90898[F] dated 01/10/2019)

W.P. (MD) No.21038 of 2019

30.09.2019

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