



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2019

CORAM:

THE HONOURABLE **MR. JUSTICE M.S.RAMESH**

W.P. (MD) No.22163 of 2017

WEB COPY

A.Shiny

... Petitioner

/vs./

1.The Chief Accountant Officer,
Teynampet, Chennai.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

3.The Senior Superintendent of Post Offices,
Head Post Office, Palayamkottai,
Tirunelveli District.

4.Esther Silvia Maheswari

... Respondents

[R-4 is impleaded vide Court order dated 05.01.20198 in W.M.P. (MD) No.19324 of 2017.]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 11.11.2017 to disburse the pensionary benefits viz., Provident Fund, Gratuity, Family Pension and Earned Leave Salary etc., and also the matured postal Insurance Policy amount payable on the death of the petitioner's father, to her.

For Petitioner

: Mr.T.Lenin Kumar

For R-1 & R-2

: Mr.M.Karuppasamy
Government Advocate

For R-3

: Mr.P.Subbiah
Central Government
Standing Counsel

For R-4

: Mr.T.A.Ebenezer

ORDER

The petitioner is the daughter of late Anbuselvan, who had died while in service on 27.01.2016. During his lifetime, late Anbuselvan and his wife, who is the fourth respondent herein were separated through a decree of divorce in I.D.O.P.No.88 of 2013. In connection with the disbursement of late Anbuselvan's Death cum Retirement Gratuity (DCRG) benefits, the fourth respondent had



raised objections, in view of which, the benefits were not disbursed in favour of the petitioner / daughter of late Anbuselvan.

2. Pending present writ petition, the petitioner herein and the fourth respondent were referred to Mediation in this Court and both of them had amicably resolved their indifferences and had agreed to receive the DCRG amount as well as Postal Insurance Policy amount, of late Anbuselvan, equally. The terms of the settlement were also reduced in writing through a Deed of Memorandum of Understanding dated 19.07.2019. The respondents 1 to 3 herein had kept the DCRG amount pending, in view of the objections raised by the fourth respondent, which necessitated the petitioner herein to file the present writ petition.

3. Now that the dispute has been amicably resolved among the parties and the respondents 1 to 3 herein may not have any objections in having the amount disbursed to the parties.

4. It is now brought to the notice of this Court that the petitioner herein had earlier given a representation dated 11.11.2017 for disbursement of DCRG benefits. In these circumstances, it would be appropriate to direct the respondents 1 to 3 to consider the representation in the light of the settlement arrived between the parties.

5. Accordingly, there shall be a direction to the respondents 1 to 3 to consider the petitioner's representation dated 11.11.2017 by taking into account the observations made by this Court as well as the memorandum of understanding arrived between the petitioner and the fourth respondent herein and take further course of action in accordance with law, atleast within a period of six (6) weeks from the date of receipt of a copy of this order. Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Chief Accountant Officer,
Teynampet, Chennai.

2.The Chief Educational Officer,
Thoothukudi District,
Thoothukudi.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Senior Superintendent of Post Offices,
Head Post Office, Palayamkottai,
Tirunelveli District.

+1 CC to Mr.P.SUBBIAH, Advocate (SR-104054[F] dated 09/12/2019)

+1 CC to SPL GP (SR-104188[F] dated 10/12/2019)

+1 CC to Mr.T.LENIN KUMAR, Advocate (SR-104311[F] dated
10/12/2019)

Order made in
W.P.(MD)No.22163 of 2017
09.12.2019

VB(16.12.2019) 3P 7C