

WMP.No.1309 of 2020
in
WP.No.31838 of 2015

D.KRISHNAKUMAR, J.

This Miscellaneous Petition is filed to substitute Mr.P.N.Annamalai as petitioner in the place of the deceased petitioner Suseela to proceed further in the above Writ Petition.

2. The learned counsel appearing for the proposed petitioner, namely, P.N.Annamalai submitted that there was no valid evidence to show that the fifth respondent is the legally wedded wife of late P.N.Govindhasamy and therefore granting 50% pensionary benefits to the fifth respondent is illegal. G.Vijayalakshmi died on 03.03.2019 and the legal guardian of G.Vijayalakshmi, namely, Suseela also died on 15.02.2019. Under such circumstances, the learned counsel would submit that the all the pensionary benefits should be granted to the proposed petitioner, the younger brother of late P.N.Govindhasamy.

3. The learned counsel appearing for the fifth respondent denied the aforesaid allegations. He submitted that even in the typed set

of papers filed by the writ petitioner, they have enclosed the legal heirship certificate issued by Deputy Tahshildar, wherein, it has been clearly stated that the fifth respondent is one of the legal heirs of late P.N.Govindhasamy. Further, he submitted that since both G.Vijayalakshmi and her legal guardian Suseela died, the fifth respondent is entitled to the entire pensionary benefits.

4. G.Vijayalakshmi, died on 03.03.2019 and Suseela, guardian of G.Vijayalakshmi also died on 15.02.2019. In such circumstances, the proposed petitioner namely, P.N.Annamalai, filed this Miscellaneous Petition to substitute his name in the place of the deceased Suseela.

5. First of all, this Court has to consider the *locus standi* of the proposed petitioner. There is no provision under the Rules that the brother of the deceased person is entitled for the pensionary benefits. Therefore, the proposed petitioner would not be entitled to get pensionary benefits.

6. In the legal heirship certificate issued by the Deputy Tahsildar, Arni the following persons are mentioned as the legal heirs of late P.N.Govindhasamy: (i) Sarasu, (ii) Vijayalakshmi and (iii) Iraianbu. Therefore, it is clear that the Revenue Authority has furnished the legal heirship certificate to the fifth respondent. In order to prove that the fifth respondent is not a legal heir of P.N.Govindhasamy, the proposed petitioner ought to have approached the concerned Civil Court, instead approaching this Court for seeking the said remedy cannot be sustained. Originally, the Writ Petition was filed by G.Vijayalakshmi (mentally retarded), daughter of the P.N.Govindhasamy represented by guardian Suseela. However, now, the proposed petitioner, namely, P.N.Annamalai, the younger brother of P.N.Govindhasamy who has nothing to do with the Writ Petition has filed this Miscellaneous Petition to substitute his name in the place of the deceased Suseela. In the facts and circumstances, this Court is inclined to dismiss the Writ Miscellaneous Petition by imposing cost on the proposed petitioner.

7. P.N.Annamalai, the proposed petitioner is directed to pay a sum of Rs.2,000/- to Sivananda Saraswathi Sevashram, Administrative

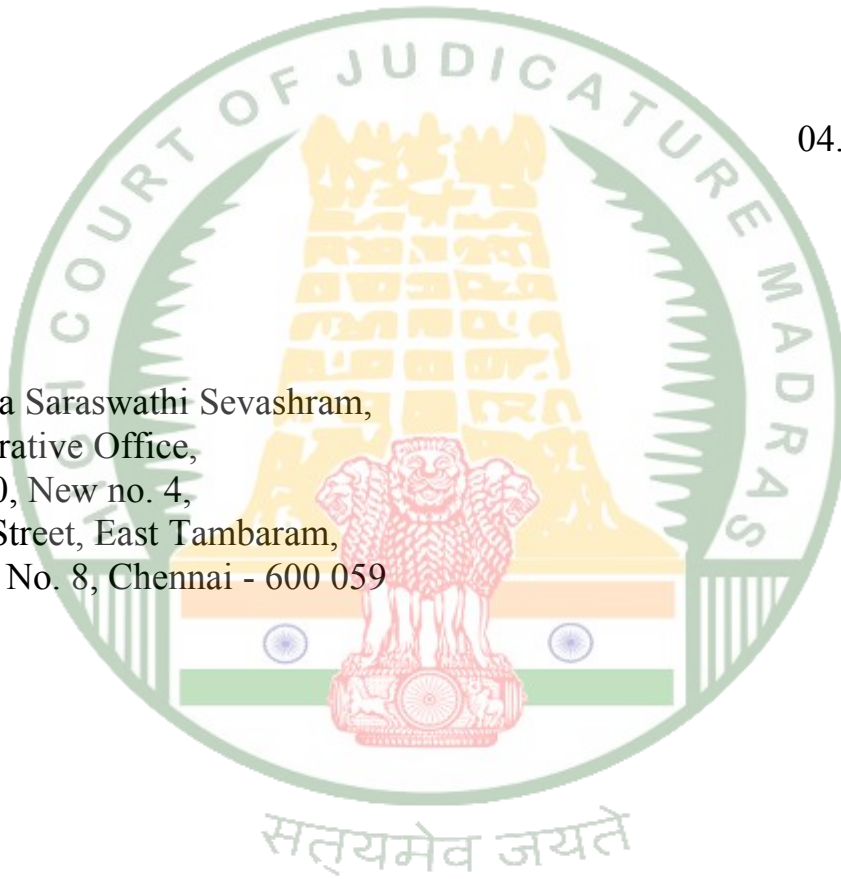
Office, Old no.20, New no. 4, Kambar Street, East Tambaram, P.O. Box No. 8, Chennai - 600 059 within a period of six weeks from the date of receipt of a copy of this order. The Writ Miscellaneous Petition is dismissed.

04.02.2020

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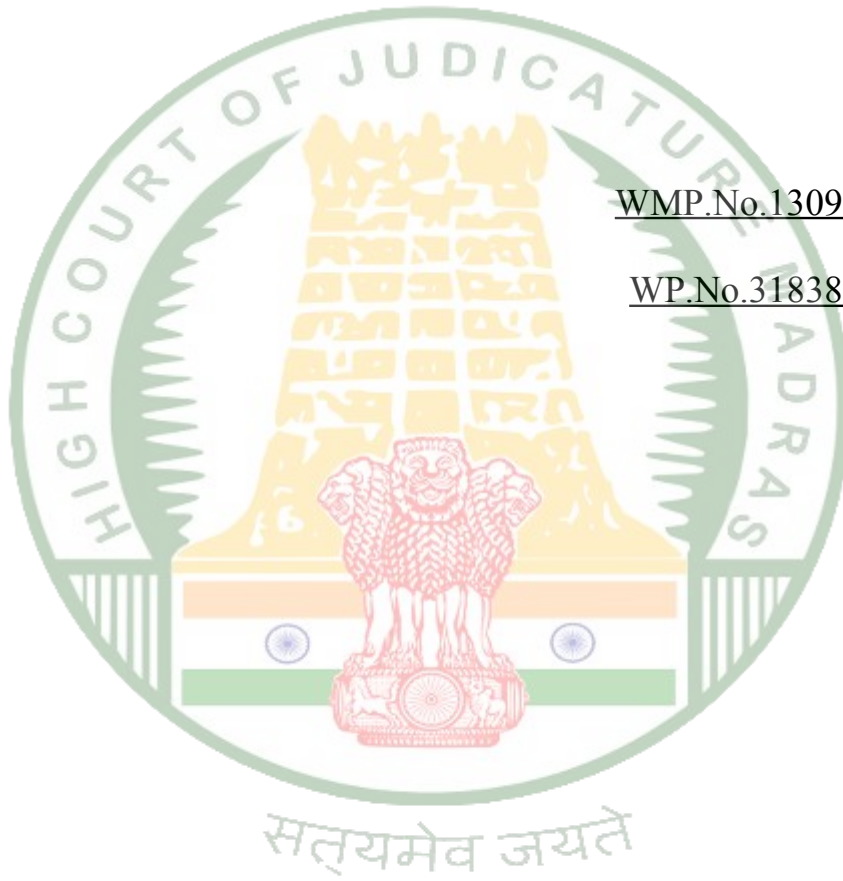
Sivananda Saraswathi Sevashram,
Administrative Office,
Old no.20, New no. 4,
Kambar Street, East Tambaram,
P.O. Box No. 8, Chennai - 600 059



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