

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.19849 of 2013

1.Mrs.K.Pichaiammal
2.Mrs.Ragini
3.Mrs.Venda

... Petitioners

Vs.

1.The District Project Officer,
Integrated Children's Growth Project,
Sainathapram,
Vellore – 632 001.

2.The Project Officer,
Integrated Children's Growth Project,
Ranipet.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the Family Welfare Protection Fund and other death benefits to the petitioner's due and payable on account of the death of their sister late Jayalakshmi who died on 14.03.2010 with appropriate interest within a stipulated period.

For Petitioners : Mr.T.P.Prabakaran
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to pay the Family Welfare Protection Fund and other death benefits to the petitioners, due and payable on account of the death of their sister late Jayalakshmi who died on 14.03.2010 with appropriate interest.

2.The case of the petitioners is that their sister Jayalakshmi died on 14.03.2010 while in service as Anganwadi Assistant in Arcot under the Integrated Children Growth Project, Ranipet and her husband died long back and they have no children. The petitioners are Class II legal heirs of the deceased Jayalakshmi. When the petitioners approached the respondents for the Family Welfare Protection Fund and other death benefits due and payable to the legal heirs of the deceased Jayalakshmi, they were directed to obtain a succession certificate. Hence, the petitioners filed S.O.P.No.2 of 2012 before the Sub Court, Ranipet and the Sub Court, Ranipet vide order dated 29.10.2012 issued a succession certificate in favour of the petitioners.

3.It is the further case of the petitioners that they made application dated 03.01.2013 to the second respondent seeking

release of the Family Welfare Protection Fund and other death benefits due and payable to the legal heirs of the deceased Jayalakshmi by enclosing the succession certificate and since there was no action, the petitioners issued legal notice dated 10.04.2013 to the respondents. Even thereafter there is no response. Hence, this writ petition.

4.The learned counsel appearing for the petitioners would submit that the petitioners are Class II legal heirs of the deceased Jayalakshmi who died during the service as Anganwadi Assistant in Arcot under the second respondent. He would further submit that even though the petitioners obtained the succession certificate and made application to the second respondent seeking the Family Welfare Protection Fund and other death benefits due and payable to the legal heirs of the deceased Jayalakshmi by enclosing the succession certificate, the same has not yet been disbursed to the petitioners. Accordingly, he prayed for allowing the writ petition.

5.The learned Special Government Pleader, pointing out to the counter affidavit filed by the second respondent, would submit that the name of one Mahesh who is the son of the third petitioner has been

given as nominee in the Group Insurance Form signed by late Jayalakshmi. Hence, the petitioners were directed to bring the said Mahesh for enquiry by the concerned Officer, however, the petitioners without complying the same have filed this writ petition. Accordingly, he prayed for dismissal of the writ petition.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. The facts in the case is not disputed. The petitioners made application dated 03.01.2013 to the second respondent seeking release of the Family Welfare Protection Fund and other death benefits due and payable to the legal heirs of the deceased Jayalakshmi by enclosing the succession certificate, however, the same has not yet been released since the petitioners did not bring one Mahesh who is the son of the third petitioner for enquiry as directed by the concerned Officer. This Court is of the opinion that this is not a sufficient ground to deny the release of Family Welfare Protection Fund and other death benefits due and payable to the legal heirs of the deceased Jayalakshmi.

8.However, this Court instead of issuing any positive direction, directs the respondents to pass appropriate orders on the petitioners application dated 03.01.2013, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

9.This writ petition is accordingly disposed of. No costs.

28.10.2020

pri

Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

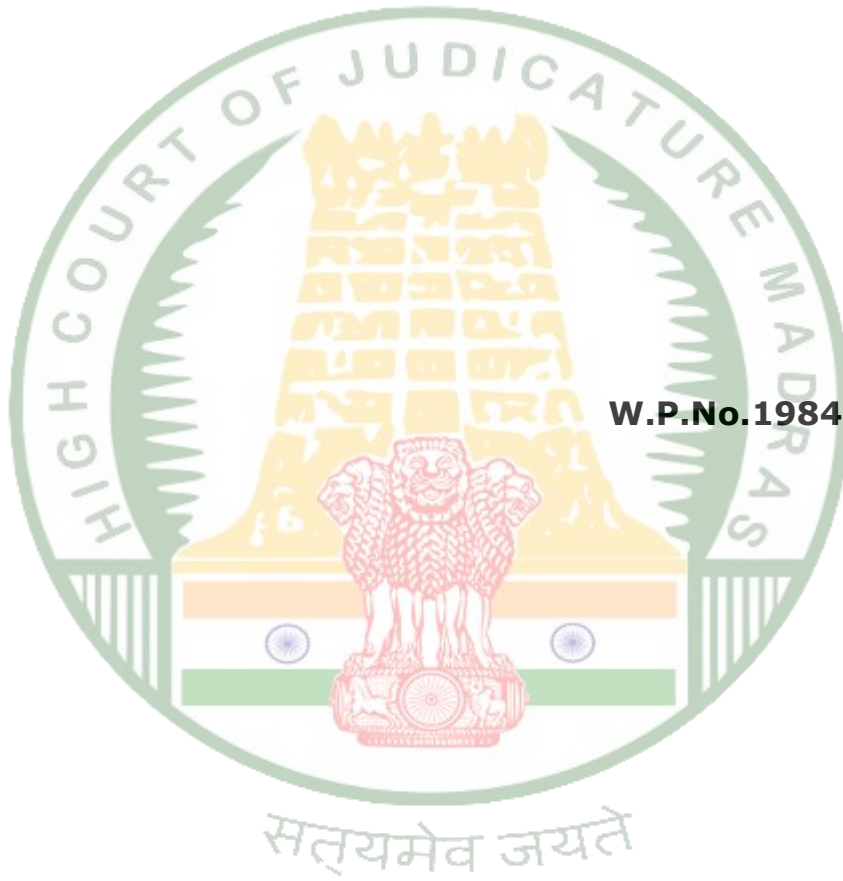
1.The District Project Officer,
Integrated Children's Growth Project,
Sainathapram,
Vellore – 632 001.

2.The Project Officer,
Integrated Children's Growth Project,
Ranipet.

WEB COPY

W.P.No.19849 of 2013

M.DHANDAPANI,J.
pri



W.P.No.19849 of 2013

WEB COPY

28.10.2020