

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2020

CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.350 of 2020

S.Aruputham

.. Appellant

vs.

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

2. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

3. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

4.Kalaiselvi

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 10.12.2019 passed by the learned Single Judge in W.P.No.32058 of 2019.

Prayer in W.P.No.32058 of 2019

Petition filed under Article 226 of the constitution of India for issuance of a Writ of Certiorarified Mandamus ,calling for the records of the 3rd Respondent in his Proceedings No.MEE/C2/0813/2018 ESTT. dated 16.10.2019 and quash the same and consequently direct the 1st to 3rd Respondent to fothwith sanction appropriate share in the DCRG and GPF of Deceased S. krishnan to the Petitioner on War- Footing basis.

For Appellant

: Mr.K.Raja

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the appellant.

2. This is an appeal filed by the mother of the deceased employee contending that the terminal benefits of her son should also be apportioned to her.

3. On the facts narrated in the impugned judgment by the learned Single Judge, we find that the son had died in service leaving behind his wife as a nominee. The learned Single Judge, after taking notice of the said relationship and the nomination, came to the conclusion that the same cannot be undone on the principles of general law of succession so as to extend any benefit to the appellant.

4. Learned counsel for the appellant contends that the blood relationship of the appellant with the deceased as mother and son has not been disputed and therefore, an effort should be made to make available some pecuniary help out of the emoluments that have been released to the widow of the deceased, as the appellant herself is more than 80 years old and has two unmarried daughters.

5. In our considered opinion, this is a matter where the appellant being a senior citizen, if possible and permissible, can claim certain benefits under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (in short, '2007 Act'), or otherwise attempt a mediation or a settlement, for which the appellant will have to approach the appropriate forum in this regard. In the event, the appellant approaches the competent authority under the 2007 Act or files a civil suit, the matter can be mediated and settled keeping in view the principles of Section 89 of the Code of Civil Procedure, 1908.

6. We cannot compel the respondent authorities to act against the law and a mandamus to that effect may not be permissible. We, therefore, consign this appeal to records

with the aforesaid observation. Consequently, C.M.P.No.5845 of 2020 is closed.

-s/d-
Assistant Registrar

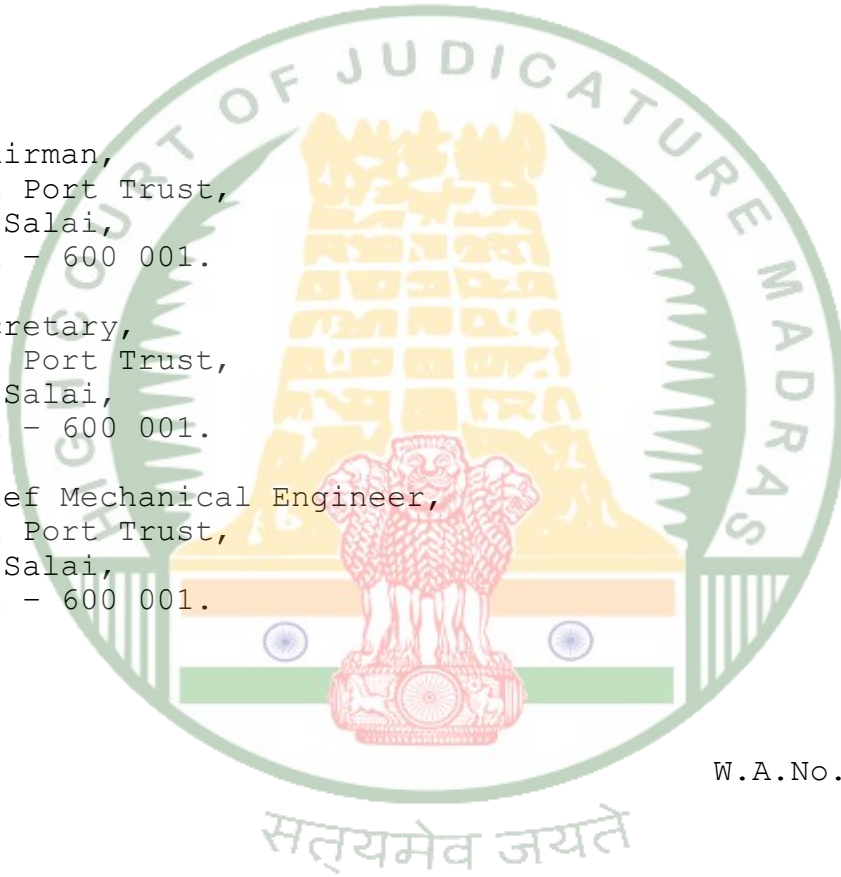
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Sub-Assistant Registrar

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To

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.
2. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.
3. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.



W.A.No.350 of 2020

MP (CO)
GS (06/08/2020)

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