

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

WRIT PETITION NO.7494 OF 2013

A.Umar Halith (Minor)

... Petitioner

vs.

1. The Director,
National Institute of Visually Handicapped,
No.116, Rajpur Road, Dehradun - 248001,
Uttarkand.
 2. National Institute of Visually Handicapped,
Karayanchavadi, Poonamallee,
Chennai 600 056.
 3. Faridha Begum
- ... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the Respondents 1 and 2 to consider and dispose of the representation of the Petitioner dated 18.09.2012 and direct the 1st and 2nd Respondents to pay terminal benefits and family pension of the deceased, the said Abdul Rahman to the Petitioner, Minor A.Umar Halith.

For Petitioner : Mr.X.Selvam Sounder

For Respondents 1 & 2 : No appearance

For 3rd Respondent : Mr.Manoj Sreevatsan

ORDER

This Writ Petition is filed seeking a direction to Respondents 1 and 2 to consider and dispose of the Petitioner's representation dated 18.09.2012 and for a direction to the 1st and 2nd Respondents to pay terminal benefits and family pension of the deceased Abdul Rahman to the Petitioner, viz. Minor A.Umar Halith.

2. The minor Petitioner herein is represented by his grandmother. She has stated that, the Petitioner was born to her daughter viz. Yasmin and the deceased Abdul Rahman, who worked as an Office Assistant at the National Institute of Visually Handicapped, Karayanchanvadi, Poonamallee, for more than 25 years. She has further stated that, the deceased Abdul Rahman originally married one Faridha, the 3rd Respondent herein on 25.05.1992 as per Islamic rites and customs at Ayyampettai and through the wedlock, two female children were born to them. As the 3rd Respondent voluntarily deserted the deceased Abdul Rahman, the Petitioner's mother viz. Yasmin was asked for consent for second marriage and she was given into marriage with the deceased Abdul Rahman on 12.04.1999, as per Islamic rites and customs.

3. It is further stated that, the minor Petitioner's mother viz. Yasmin died on 05.04.2012 due to ill health and his father i.e. Abdul Rahman also died due to ill health on 03.09.2012, while he was in service. Now, the minor Petitioner is under the custody of his grandmother, the deponent in this Writ Petition. She has made a representation dated 18.09.2012 to the 1st and 2nd Respondents herein requesting them to consider the case of the minor Petitioner and disburse terminal benefits and family pension of the deceased Abdul Rahman, to him.

4. As the 3rd Respondent herein has made a representation to the 1st and 2nd Respondents herein for grant of family pension and other terminal benefits of the deceased Abdul Rahman to her and has objected to the grant of the said benefits to the minor Petitioner herein, having no other alternative, the minor Petitioner, represented by his grandmother, has come up with this Writ Petition.

5. Learned counsel for the Petitioner submitted that, the representation dated 18.09.2012 made on behalf of the minor Petitioner may be directed to be considered by the Respondents 1 and 2 and appropriate orders may be passed.

6. In view of the above, without going into the merits of the case, this Court directs the Respondents 1 and 2 herein to consider the representation dated 18.09.2012 made on behalf of the minor Petitioner, on merits and in accordance with law, after affording an opportunity of hearing to the 3rd Respondent herein, and pass appropriate orders within a period of twelve weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction.
No costs. Consequently, connected M.P.No.1 of 2013 and M.P.No.1
of 2015 are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

(aeb)

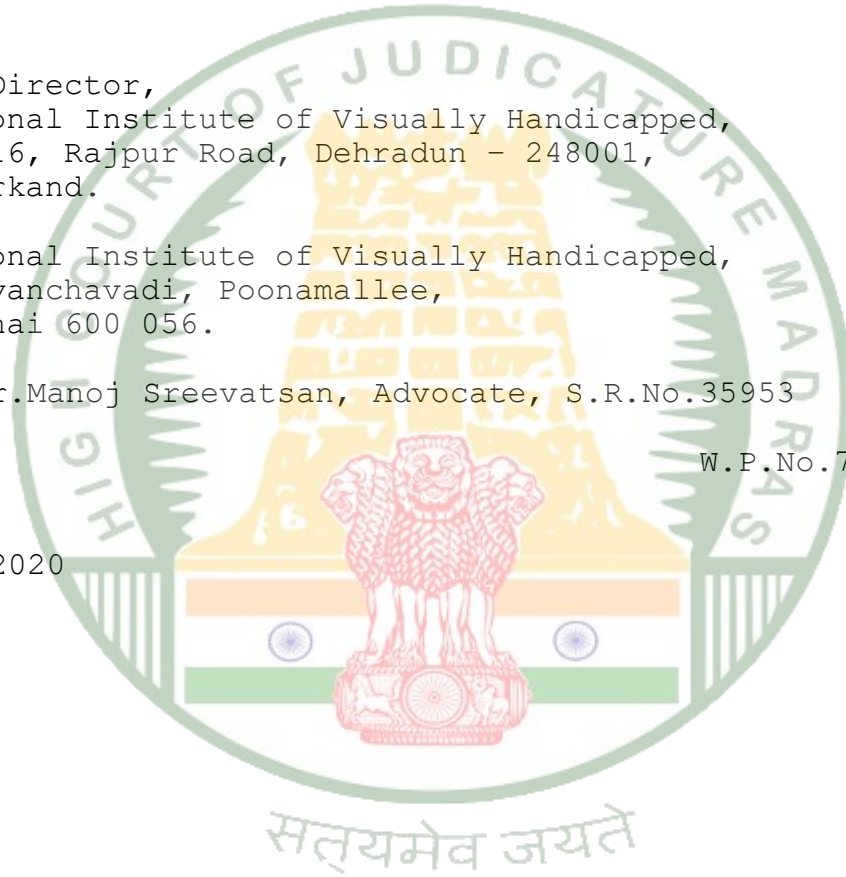
To:

1. The Director,
National Institute of Visually Handicapped,
No.116, Rajpur Road, Dehradun - 248001,
Uttarkand.
2. National Institute of Visually Handicapped,
Karayanchavadi, Poonamallee,
Chennai 600 056.

+1cc to Mr.Manoj Sreevatsan, Advocate, S.R.No.35953

W.P.No.7494 of 2013

LN(CO)
CS/14/12/2020



WEB COPY