



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.05.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Writ Petition (MD).No.6315 of 2020

Juliet

... Petitioner

Vs.

1. The Superintending Engineer,
Public Works Department (PWD)/ Water
Resources Department (WRD),
Lower Cavary Basin Circle,
Santha Pillai Gate,
Thanjavur, Thanjavur District.

2. The Executive Engineer,
Public Works Department (PWD)/ Water
Resources Department (WRD),
Cavary Basin Division,
M.K.M.Road, Thanjavur District.

3. The Assistant Executive Engineer,
Public Works Department (PWD)/ Water
Resources Department (WRD),
River Conservancy Sub Division,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation, dated 22.04.2020 and direct the respondents to pay the death benefits of her husband Mr.Baskar within the time stipulated by this Court.

For Petitioner	:	Mr.M.R.Sreenivasan
For Respondents	:	Mr.M.Rajarajan Government Advocate

O R D E R

The Writ Petition has been filed for a direction to the respondents to consider the petitioner's representation, dated 22.04.2020, and to pay the death benefits of her husband Mr.Baskar within the time stipulated by this Court.

2. By consent of both parties, this writ petition itself is taken up for final disposal at the stage of admission itself.

<https://hcservices.courtsgov.in/hcservices/>



3. The case of the petitioner is that the marriage between the petitioner and her husband Mr.Baskar was solemnised on 09.02.2012 at Thiruvalluvar Kalappu Thirumanam and Social Welfare Association, No.3, Abdul Kadar Street, Manjakuppanm, Cuddalore and the marriage was registered by the District Registrar, Cuddalore on 09.02.2012. Out of wedlock, a male child viz., Venthan was born on (*)13.10.2014. According to the petitioner, her husband was working as Superintendent in the third respondent office and while in service, on 31.03.2020, he died due to cardiac arrest. It is also stated that her husband already married one Chithra @ Gracy on 18.06.2007, at Palayamkottai, Kattumannar Kovil Taluk and due to misunderstanding, within three months, Chithra @ Gracy left her husband. Thereafter, though effective steps have been taken by the relatives for re-union, it went in vain. Hence, the petitioner's husband has filed a petition in D.O.P.No.137 of 2009 before the Principal District Court, Cuddalore Division, Cuddalore, for divorce and in spite of summons being served to Chithra @ Gracy, she did not appear. Therefore, an ex-parte divorce was passed and the same has not been set aside till date and there is no legal heir for her late husband. In such circumstances, she has given a representation to the third respondent on 22.04.2020, seeking to pay the death benefits and to provide compassionate appointment to her. But the same has not been considered till date.

4. Considering the limited scope of the prayer, this Court directs the third respondent to consider the representation of the petitioner dated 22.04.2020, on merits and in accordance with law, within a period of eight weeks from the date of receipt of the order copy.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(Records)
(Dated: 01.06.2020)

**(*)Modified as per order made in
WP(MD) .6315 of 2020 dated 02.07.2020**

Sd/-

Assistant Registrar(CS-II)
(Dated: 08.07.2020)

// True Copy //

/ /2020
Sub Assistant Registrar(CS)



akv

To

(*) to be substituted the order already despatched on 02.06.2020

WEB COPY

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Resources Department (WRD),
Lower Cavery Basin Circle,
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Thanjavur,
Thanjavur District.
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Public Works Department (PWD)/ Water
Resources Department (WRD),
Cavery Basin Division,
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SDS (02.06.2020) 3P 4C

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TR (09.07.2020) 3P 4C