



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8203 of 2020

and

W.M.P.(MD) No.7617 of 2020

(Through Video conferencing)

Sundarrajan

...Petitioner

-Vs-

1.The Superintending Engineer,
Public Works Department,
Buildings (C&M) Circle,
Medical Works,
Tallakulam, Madurai.

2.The Executive Engineer,
Public Works Department,
Buildings (C&M) Circle,
Medical Works,
Tallakulam, Madurai.

3.The Assistant Executive Engineer,
Public Works Department,
Buildings (C&M) Sub Division,
Medical Works, Collectorate
Dindigul.

4.Mangayarkarasi

5.Kalaivani

6.Solai Hariharan

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents Nos.1 to 3 to treat the petitioner as heir in the Service Register of his wife and give him due share from the pensionary benefits such as Gratuity, GPF and encashment of earned leave etc., of his wife on the basis of his representation dated 30.06.2020 within the time frame fixed by this Court.



For Petitioner : Mr.S.Krishnan
For Respondents : Mr.S.Dhayalan, G.A. For RR1 to 3

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the respondents Nos.1 to 3 to treat the petitioner as heir in the Service Register of his wife and give him due share from the pensionary benefits such as Gratuity, GPF and encashment of earned leave etc., of his wife on the basis of his representation dated 30.06.2020 within the time frame fixed by this Court.

2.Heard Mr.S.Krishnan, learned counsel appearing for the petitioner and Mr.S.Dhayalan, learned Government Advocate appearing for the respondents 1 to 3. In view of the order going to be passed in this writ petition, notice to the private respondents is dispensed with.

3.The petitioner's wife one Vijayalakshmi was working as Assistant at the 3rd respondent office and died on 23.05.2020. After the death of the petitioner's wife, he approached the official respondents to get the retiral cum death benefits. However, he came to know that in the service register of the petitioner's wife, name of the respondents 4 to 6, who are the children of the petitioner and petitioner's wife alone were included and the name of the petitioner has not been included. Therefore, in order to include the petitioner's name also as one of the legal heir of the deceased employee, he seems to have given a detailed advocate notice on 06.06.2020 followed which, on 30.06.2020, he has given a representation to the 2nd and 3rd respondents and all that the learned counsel appearing for the petitioner would submit that, if the said representation be directed to be considered by the officials on merits and in accordance with law and necessary orders to that effect to be passed within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.Heard the learned Government Advocate appearing for the official respondents, who would submit that the petitioner's representation dated 30.06.2020 along with the advocate notice dated 06.06.2020 would be considered by the official respondents, on merits and in accordance with law and orders to be passed within a time frame.

5.Considering the limited scope of the prayer sought for herein, this writ petition is disposed of with the following direction:



"The official respondents, especially, the respondents 2 and 3 are hereby directed to consider the representation of the petitioner dated 30.06.2020 along with the advocate notice dated 06.06.2020 and pass orders thereon on merits and in accordance with law, after giving an opportunity of being heard to both the petitioner as well as the private respondents herein, within a period of twelve weeks from the date of receipt of a copy of this order."

6. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

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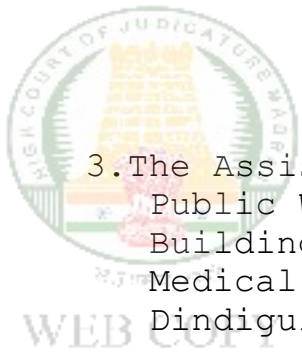
Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Superintending Engineer,
Public Works Department,
Buildings (C&M) Circle,
Medical Works,
Tallakulam, Madurai.
2. The Executive Engineer,
Public Works Department,
Buildings (C&M) Circle,
Medical Works,
Tallakulam, Madurai.



3.The Assistant Executive Engineer,
Public Works Department,
Buildings (C&M) Sub Division,
Medical Works, Collectorate
Dindigul.

Order made in
W.P. (MD) No. 8203 of 2020
29.07.2020

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TR(12.08.2020) 4P 4C