



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8257 of 2020

R.Vijayalakshmi

... Petitioner

-Vs-

- 1.The Commissioner (Milk)
Milk and Dairy Development Department,
Government of Tamil Nadu,
Aavin Illam, Madhavaram Dairy,
Chennai 600 051.
- 2.The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation,
Aavin Illam,
3A, Pasumpon Muthuramalinganar Salai,
Nandhanam,
Chennai 600 035.
- 3.The General Manager,
Madurai District Co-operative Milk Producers Union
(Aavin)
Sivagangai Road, Madurai-20.
- 4.Deputy General Manager (P&M),
Madurai District Co-operative Milk Producers Union
(Aavin)
Sivagangai Road, Madurai-20

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to provide death benefits viz., immediate relief for final rites, part salary for the month of March 2020, encashment of unutilised leave salary, death gratuity, amount accrued on EDLI policy, Family Pension, Employees Provident Fund and other reliefs given by Aavin (MDCMPU) and the Governments upon the death of her husband C.Pugalendhi on 11.03.2020.

For Petitioner : Mr.A.John Vincent
For Respondents : Mr.E.Mareeskumar
Standing Counsel



ORDER

Prayer sought for herein is for a Writ of Mandamus to direct the third respondent to provide death benefits viz., immediate relief for final rites, part salary for the month of March 2020, encashment of unutilised leave salary, death gratuity, amount accrued on EDLI policy, Family Pension, Employees Provident Fund and other reliefs given by Aavin (MDCMPU) and the Governments upon the death of her husband C.Pugalendhi on 11.03.2020.

2.Heard Mr.A.John Vincent, learned counsel appearing for the petitioner and Mr.E.Mareeskumar, learned Standing Counsel appearing for the respondents.

3.The petitioner's husband one C.Pugalendhi was working as Manager at the third respondent office and during his service, he died on 11.03.2020. In this regard, a Death Certificate has also been given. After the death of the petitioner's husband, no Death-cum-Retirement benefits payable to the petitioner's husband has been given. Hence, the petitioner being the wife of the deceased employee of the respondents, has given a representation on 19.06.2020. Therefore, the learned counsel for the petitioner would submit that, if the said representation is directed to be considered and necessary order to that effect is directed to be passed by the respondents, within a time frame, on merits and in accordance with law, the petitioner would be satisfied.

4.I have heard Mr.E.Mareeshkumar, learned Standing Counsel appearing for the respondents, who would submit that, certainly the representation of the petitioner would be considered and suitable action would be taken and final order would be passed thereon, within a time frame. Due to financial crisis, that too in the COVID-19 situation, some delay might have occurred, but, at any rate, the request of the petitioner would be considered at the earliest.

5.Considering the said submissions made by the learned counsel on both sides, this Court is inclined to dispose of this writ petition with the following order:

'that the respondents are hereby directed to consider the representation of the petitioner, dated 19.06.2020 with regard to the claim of her deceased husband Death-cum-Retirement benefits and take a decision thereon, on merits and in accordance with law and necessary order to that effect shall be passed with regard to the disbursement of such benefits to the petitioner, within a period twelve (12) weeks from the date of receipt of a copy of this order.'



6. With the above directions, this Writ Petition is disposed of.
No costs.

WEB COPY

// True Copy //

Sd/-

Assistant Registrar ()

/ /2020

Sub Assistant Registrar (CS)

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 Commissioner (Milk)
Milk and Dairy Development Department,
Government of Tamil Nadu,
Aavin Illam, Madhavaram Dairy,
Chennai 600 051.
2. The Managing Director,
Tamil Nadu Co-operative Milk Producers Federation,
Aavin Illam,
3A, Pasumpon Muthuramalinganar Salai,
Nandhanam,
Chennai 600 035.
3. The General Manager,
Madurai District Co-operative Milk Producers Union
(Aavin)
Sivagangai Road, Madurai-20.
4. Deputy General Manager (P&M),
Madurai District Co-operative Milk Producers Union
(Aavin)
Sivagangai Road, Madurai-20.

W.P. (MD) No. 8257 of 2020
29.07.2020

rmk
SDS (13.08.2020) 3P-5C