



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.18341 of 2015

1.Chandreeshwari

2.Minor Vasunthra

Rep. by her mother and guardian

The first petitioner Chandreeshwari

... Petitioners

-Vs-

1.The Joint Registrar,
Co-operative Societies, Dindigul,
District Collector Office Building,
Dindigul.

2.The Deputy Registrar,
Co-operative Societies, Palani.

3.A-2133 kariyampatti Primary
Agricultural Co-operative Bank,
Through its Secretary,

4.Sudanthiramani

5.Arukaniammal

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, against the respondents 1 to 3 to grant the petitioners the family pension, death cum retirement gratuity, Provident Fund and other benefits including any group Insurance fund which is due upon the death of petitioner's husband K.Subramanian, Sales man in the third respondent Co-operative Society, without insisting upon concurrence/no objection from respondents 4 and 5.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.P.Mahendran
Additional Government Pleader
(for R1 and R2)
Mr.Aayiram K.Selvakumar (for R3)
No Appearance (for R4 and R5)

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to grant terminal and pensionary benefits as the group Insurance Fund.



2.The husband of the writ petitioner was working as Salesman of the third respondent/Co-operative Society. The learned counsel for the writ petitioner states that the petitioner is the second wife of the deceased employee, one Mr.K.Subramanian. The petitioner states that the first wife divorced to the deceased employee and he married the petitioner as second wife. However, her disputed facts cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India.

3.The legal heirs of the deceased employee are bound to establish that the petitioner is the legally wedded wife of the deceased employee. In the event of establishing such factors before the competent forum, the petitioner is not entitled to claim the terminal and pensionary benefits of the deceased employee. Such disputed and complex facts and circumstances cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Such adjudication requires examination of witnesses and the relevant documents.

4.This being the factum, the petitioner is at liberty to approach the first respondent, who is the competent authority, under Section 153 of the Tamil Nadu Co-operative Societies Act for the purpose of redressing her grievances. Even it may be necessary to approach the competent Court getting the Succession Certificate. However, all these factors are to be considered by the competent authority while adjudicating the matter on merits. In this regard, the petitioner shall approach the competent authority/first respondent under Section 153 of the Tamil Nadu Co-operative Societies Act and in the event of submitting any such revision petition in a proper format and by paying the necessary fees, the first respondent is directed to consider the same on merits and in accordance with law and take a decision and pass orders as expeditiously as possible.

5.With these directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



1.The Joint Registrar,
Co-operative Societies, Dindigul,
District Collector Office Building,
Dindigul.

2.The Deputy Registrar,
Co-operative Societies,
Palani.

+1 CC to Mr.H.LAKSHMI SANKAR, Advocate (SR-24344[F] dated
08/12/2020)

+1 CC to SGP (SR-24627[F] dated 09/12/2020)

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PK(CO)
KM (15.12.2020) 3P 5C