



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.25357 of 2019

M.Nithya Jothi

... Petitioner

/vs./

1.Government of Tamilnadu,
Rep. by its Secretary,
Agricultural Department,
Secretariat, Fort St.George,
Chennai.

2.The Commissioner,
Directorate of Agriculture,
Chepauk, Chennai.

3.The Joint Commissioner of Agriculture,
Agriculture Department,
Kattuthottam, Thanjavur,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the third respondent to pay all death benefits of deceased Dheenathayalan to the petitioner and her sister Sathiya Jothi on the basis of the representation dated 22.08.2019 made by the writ petitioner within stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan
For Respondents : Mr.R.Sethuraman,
Special Government Pleader.

O R D E R

It is stated by the learned counsel for the petitioner that the petitioner's father namely Dheenathayalan had died on 24.05.2019 in harness, while he was working as an Agricultural Officer under the second respondent Directorate. Owing to certain pending charges, the petitioner's father was kept under suspension and was also being paid with the subsistence allowance. According to the learned counsel for the petitioner, the petitioner and her sister namely Sathiya Jothi are the only surviving legal heirs of the late Dheenathayalan. It is the grievance of the petitioner that though the petitioner had sought for disbursement of the death monetary benefits to her and her sister, based on the representation dated 22.08.2019, the respondents had not considered the same till date.



2.It is not disputed that the petitioner's father namely Dheenathayalan was employed as an Agricultural officer at the time of death before the second and third respondents and the monetary death benefits requires to be disbursed in favour of the legal heirs. It is needless to point out that the charges that were said to be pending against Late Dheenathayalan had abated in view of his death and in the absence of any punishment have been being imposed, there cannot be any impediment on the part of the respondents to disburse the death benefits to the legal heirs of Late Dheenathayalan. Though one of the legal heir alone has filed the present writ petition, the respondents are duty bound to disburse the death benefits to all the legal heirs of the late employee. In this connection, if the respondents are directed to disburse the said benefits to all the legal heirs within a stipulated time, the ends of justice could be secured.

3.In the light of the above observations, there shall be a direction to the third respondent herein to consider the representation dated 22.08.2019 positively and disburse the monetary death benefits in favour of the legal heirs, including the petitioner herein, within a period of twelve weeks (12) from the date of receipt of a copy of this order. The respondents are also at liberty to claim all such supporting documentary proof to substantiate that the petitioner is a legal heir of the late employee namely Dheenathayalan.

4.With above directions, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To:-

1.The Secretary,
Government of Tamilnadu,
Agricultural Department,
Secretariat, Fort St.George,
Chennai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Commissioner,
Directorate of Agriculture,
Chepauk, Chennai.

3.The Joint Commissioner of Agriculture,
Agriculture Department,
Kattuthottam, Thanjavur,
Thanjavur District.

+1 CC to SPL GP (SR-2889[F] dated 24/01/2020)

W.P. (MD) No.25357 of 2019

23.01.2020

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