



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.25594 of 2019

G.Balaji

... Petitioner

Vs.

- 1.The Superintending Engineer,
TANTRANSCO (TNEB)
Public Administrative Circle,
Mannarpuram, Trichy 20.
- 2.The Additional Chief Engineer,
Office of Additional Chief Engineer,
TANTRANSCO (TNEB),
Public Administrative Circle,
Trichy 20.
- 3.The Assistant Administrative Officer,
Office of Additional Chief Engineer,
TANTRANSCO (TNEB)
Trichy.

4.P.Rajkumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent signed by the third respondent's impugned letter No.03527/135/நி.பி.1/உ.3/கோ.இறுதி நிலைப்பணப்பயன்/2019 dated 13.08.2019 and direct the second respondent to disburse the entire death benefits of petitioner's father late Govindaraj and to provide compassionate ground appointment to the petitioner, within the period stipulated by this Court.

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.T.Sakthikumaran (for R1 to R3)
No appearance (for R4)

O R D E R

Heard the learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents 1 to 3. Though notice has been served on the fourth respondent and his name printed in the cause list, none appears on his behalf.



2.The case of the petitioner is that his father namely Late.Govindaraj, was an employee of the respondent Corporation, who had died in harness on 30.11.2018, leaving the petitioner and two others, as his legal heirs. When the legal heirs of Late.Govindaraj had claimed the Death Cum Retirement Gratuity (in short DCRG), the third respondent herein had passed the impugned order dated 13.08.2019 stating that a civil suit in O.S.No.216 of 2019 on the file of the Subordinate Court, Tiruchirappalli is pending, in which the respondent corporation has been made as a party and as such, DCRG benefits can be disbursed only after the disposal of the civil suit proceedings. It is further stated in the impugned order that the request for compassionate appointment by one of the legal heirs will also be considered as per the regulations governing the Corporation.

3.It is not in dispute that the suit was filed by one P.Rajkumar against the petitioner's mother, who also happens to be one of the legal heirs of late.Govindaraj. The suit is one for recovery of money and there are no interim orders restraining the official respondents from disbursing the monetary benefits to the legal heirs of the late employee. While that being so, there cannot be any impediment on the part of the respondent Corporation in disbursing the same. The *lis*, apparently, is a private civil claim against one of the legal heirs of the late employee and therefore, the benefits cannot be denied against other legal heirs, who are not parties to the *lis*. Even otherwise, I do not find any reason as to why the disbursement should not be made in favour of the mother also in the absence of any interim orders of injunction by the civil Court. Since the suit is only a private dispute between two parties, it would be appropriate to direct the official respondents to disburse DCRG benefits in favour of the legal heirs of the deceased employee. Above all, there are no rules or regulations prohibiting the respondents from disbursing the DCRG benefits on the ground of pendency of a civil dispute.

4.In the light of the above observations, the impugned order dated 13.08.2019 in Letter No. 03527/135/நி.பி.1/உ.3/கோ.இறுதி நிலைப்பண்பயன்/2019 is set aside. Consequently, the petitioner along with the other legal heirs are called upon to submit a requisition to the second respondent seeking for disbursement of DCRG benefits to them and pursuant to the same, the second respondent herein shall disburse such benefits in favour of the legal heirs of the deceased employee, subject to production of the legal heirship certificate or by taking into account of the No Objection Certificate that may be given by any of the legal heirs. The second respondent shall endeavour to disburse the amount atleast within a period of eight weeks from the date of receipt of a copy of the aforesaid requisition from the petitioner.



5.The Writ Petition is allowed accordingly. No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmk

To

The Additional Chief Engineer,
Office of Additional Chief Engineer,
TANTRANSCO (TNEB),
Public Administrative Circle,
Trichy 20.

+1 CC to Mr.T.SAKTHIKUMARAN, Advocate (SR-6660[F] dated 17/02/2020)

+1 CC to Mr.A.Haja Mohideen, Advocate SR-6970

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MK (06.03.2020) 3P 4C