

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.3857 OF 2021
(HEARD THROUGH VC)

E.Savarimuthu

.. Petitioner

-vs-

1. The Director of Social Welfare Officer,
O/o. The Director of Social Welfare,
Saidapet, Chennai - 600 015.
2. The Child Development and Project Officer,
No.15, Jinna Nagar,
Achirupakkam, Kancheepuram District.
3. The Administrative Officer,
O/o.Director of Integrate Child Welfare,
Tharamani, Chennai - 600 113.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the first respondent to settle the retirement benefits to the petitioner with eligible interest and order for necessary action against the officials who have caused the delay in settlement of the retirement benefits to the petitioner.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

The writ petition has been filed seeking a direction to the first respondent to settle the retirement benefits to the petitioner with eligible interest and order for necessary action against the officials who have caused the delay in settlement of the retirement benefits to the petitioner.

2. Mr.R.A.S.Senthilvel, learned Additional Government Pleader takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. Mr.R.A.S.Senthilvel, learned Additional Government Pleader vehemently opposed to the grant of terminal benefits to the petitioner, stating that there was a complaint given by one Jaya against the petitioner. He went on to add that the issue as to whether the said Jaya is the real wife of the petitioner or not, cannot be gone into by the Authority concerned.

5. It is an admitted case that the petitioner was working in the office of the third respondent and retired from service on attaining the age of superannuation. The respondents have not settled the terminal benefits to the petitioner on the ground that there is a complaint from one Jaya, who is said to be his first wife. Though it is true that the issue whether the said Jaya was married to the petitioner or not, cannot be gone into by the Authorities, it is incumbent on the Respondents to pay the terminal benefits due to the employee. In case there is a dispute or difference of opinion between two wives, they have to seek the remedy before the appropriate forum. Merely because, there is a complaint, the respondents cannot keep mum without releasing the terminal benefits due to the petitioner. The respondents would have been justified, if the dispute between two wives persists on the demise of the husband. In this case, the employee himself has sought for settlement of his terminal benefits, which cannot be deprived by the respondents.

6. In the result, the Writ Petition is disposed of, with a direction to the respondents to pay the amount due to the petitioner within a period of 60 days from the date of receipt of a copy of this order, failing which, all the terminal benefits will carry 12% interest per annum and the interest portion shall be recovered from the officials concerned. It is needless to mention, if the amount is not paid within the time stipulated above, apart from recovery, appropriate action will be taken against the person, who has not settled the amount to the petitioner.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rsi

To:

1. The Director of Social Welfare Officer,
O/o.The Director of Social Welfare,
Saidapet, Chennai - 600 015.
2. The Child Development and Project Officer,
No.15, Jinna Nagar,
Achirupakkam, Kancheepuram District.
3. The Administrative Officer,
O/o.Director of Integrate Child Welfare,
Tharamani, Chennai - 600 113.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.11121
+1cc to the Government Pleader, S.R.No.11164

W.P.No.3857 of 2021

GMI (CO)
CS/09/07/2021



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