

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 16.02.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.No.28868 of 2010

S.Anjalai

... Petitioner

Vs.

1.The Director,
Indian Institute of Technology,
Madras, Chennai - 600 036.

2.The Registrar,
Indian Institute of Technology
Adayar, Chennai - 36.

3.N.Vasanth

... Respondents

Prayer: Petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to grant 1/2 share of the terminal benefits available for the late S.Natarajan to the petitioner, as the mother of the deceased S.Natarajan, by disposing the representation dated 21.9.2010 and 28.9.2010 within the stipulated period.

For Petitioner : Mr.G.Thangavel

For Respondents 1 & 2 : Mr.Karthick Rajan

ORDER

The prayer sought for herein is to issue a writ of mandamus directing the respondents 1 and 2 to grant 1/2 share of the terminal benefits available for the late S.Natarajan to the petitioner, as the mother of the deceased S.Natarajan, by disposing the representation dated 21.9.2010 and 28.9.2010 within the stipulated period.

2.The petitioner's son and the husband of the third respondent one Natarajan was the employee of the second respondent Institute and he died during service on 28.10.1992.

3.The petitioner is the mother, therefore according to her, she was depending the deceased when he was alive and after his sudden death, there is no other family member available to take care of her. Therefore, in order to get some share out of the DCRG payable to the deceased employee towards the legal heirs of him, it seems that, the petitioner had made a request on 21.09.2010 to the respondents.

4.Since the said representation was not considered, it seems that, on behalf of the petitioner, legal notice was issued on 28.09.2010 which was replied by the respondents 1 and 2 on 29.10.2010 stating that, the Institute i.e., the respondents 1 and 2 will follow the Government of India CCS Pension Rules while settling the dues to the legal heir of retired/deceased staff members of the Institute and the same would be complied with. According to the petitioner, despite the said reply was given, nothing was forthcoming from the respondents. Therefore, in order to get some fruitful result, pursuant to the representation she has given on 28.09.2010, the petitioner has filed this writ petition seeking for a writ of mandamus as prayed for.

5.Heard Mr.G.Thangavel, learned counsel appearing for the petitioner who has stated the aforesaid facts and seeks indulgence of this Court.

6.However, Mr.Karthik Rajan, learned Standing Counsel appearing for the respondents 1 and 2, by relying upon the relevant CCS Rules, would state that, the mother being one of the legal heir would stand excluded, if other legal heirs like widow and children are surviving. Therefore, based on said Rules, disbursement of DCRG has already been made in the year either 2010 or 2011.

7.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8.Though it has been submitted by the learned Standing Counsel appearing for the respondents 1 and 2 that, as per the CCS Rules, the DCRG was disbursed to the legal heirs, who excludes the mother i.e., the petitioner herein.

9.Be that as it may, the representation given by the petitioner dated 21.09.2010 is concerned, it seems that, the same has not so far been disposed, hence, this Court feels that, a direction can be given to decide the said representation and pass final orders thereon within a time frame.

10.In that view of the matter, this Writ Petition is disposed with the following direction.

(i) The respondents 1 and 2 are hereby directed to consider the representation of the petitioner dated 21.09.2010 and pass orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

(ii) If any change of address is effected already in respect of the petitioner, the same shall be intimated by the petitioner, by sending a copy of the representation along with the copy of this order and on receipt of the same, the needful, as indicated above, shall be undertaken by the respondents 1 and 2.

11.With this direction, this Writ Petition is disposed of.
No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

Sgl

To

1.The Director,
Indian Institute of Technology,
Madras, Chennai - 600 036.

2.The Registrar,
Indian Institute of Technology
Adayar, Chennai - 36.

+1 cc to M/s.G.Thangavel Advocate sr8913

+1 cc to M/s.Karthik Mukundan Advocate sr9425

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rsi(co)
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