



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.6187 of 2021

G.Andal

... Petitioner

-vs-

1. The District Collector,
Kancheepuram Collectorate Office,
Kancheepuram, Kancheepuram District.

2. The Revenue Divisional Officer,
Kancheepuram Collectorate Office,
Kancheepuram, Kancheepuram District.

3. The Tahsildar,
Having Office at Wallajahbad
Wallajahbad, Kancheepuram District.

4. Mr.E.Gangatharan

... Respondents

Prayer:

Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to dispose of the petitioner's representation dated 11.01.2021.

For Petitioner : Mr.B.Singaravelu

For R1 to R3 : Mr.J.Pothiraj
Spl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition, seeking a direction to the respondents 1 to 3 to dispose of the petitioner's representation dated 11.01.2021.

2. Mr.J.Pothiraj, learned Special Government Pleader takes notice for R1 to R3. Notice to R4 is dispensed with, as no adverse order is going to be passed against him in this case. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.



3. The case of the petitioner is that 4th Respondent is her husband and out of wedlock, they were blessed with one daughter and two sons. Thereafter, due to difference of opinion, both got separated and since then, she has been taking care of her children's education with the meagre amount earned by her. It is further case of the petitioner that she had obtained a loan of Rs.5,00,000/- for her children's education and though her husband has been working as Village Assistant in the Office of the respondents 1 to 3, he had not contributed any money for the welfare of the children and she herself managed to collect money for the marriage of her daughter. It is also the case of the petitioner that 4th respondent filed HMOP No.165 of 2009 on the file of the Sub-Judge, Kancheepuram for divorce on the ground of cruelty and desertion and he was acquitted in C.C.No.50 of 2006 by the Judicial Magistrate, Uthiramerur. It is stated by the petitioner that her younger son died in a road accident on 19.05.2019 and the entire family is in distress condition. It is further stated that 4th respondent is likely to retire on 31.03.2021 on completion of 60 years of age and she made a representation to the respondents 1 to 3 on 11.01.2021 for disbursement of his retirement benefits to her and children. Since the said representation did not evoke any response, she is before this Court seeking for the above relief

4. The prayer sought for in this Writ Petition is not maintainable and the petitioner cannot ask for such a blanket direction. When an employee retires from service, it is the bounden duty of the employer to disburse all the terminal benefits due to him. Unless or otherwise there is a decree and judgment, attaching the property, terminal benefits, etc., of the 4th Respondent, the petitioner is not entitled to the relief. In this case, there is no documentary evidence or judgment and decree produced by the petitioner in support of her case. Though the petitioner has sought for a direction to dispose of her representation dated 11.01.2021, the grant of such relief will definitely give rise to another round of litigation and this Court do not want to pave way to one more legacy of litigation between the parties.

5. Hence, finding no substance or merits in the case of the petitioner, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
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Kancheepuram, Kancheepuram District.
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Kancheepuram, Kancheepuram District.
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+1cc to the Government Pleader, S.R.No. 15874

W.P.No.6187 of 2021

UM(CO)
CT(14/07/2021)