

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.5528 of 2015

M.Parvathi

... Petitioner

Vs

The Assistant Executive Engineer General Work,
Corporation of Chennai,
No.67, Annapillai St.,
Chennai - 600 003.

.... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to give retirement and death benefits of the petitioner's husband, Murugan expired on 11.06.2006.

For Petitioner : Mr.P.Vijendran

For Respondent : Mrs.P.T.Ramadevi

ORDER

The prayer made in this Writ Petition is to direct the respondent to give retirement and death benefits of the petitioner's husband by name Murugan.

2.According to the learned counsel for the petitioner, the husband of the petitioner, by name, Murugan, was working as a Mason in the respondent Corporation and he died on 18.11.2006. Initially, he got married to one Lakshmi in the year 1981 and out of the said wedlock, they blessed with one male child namely, Manikandan. Due to a matrimonial dispute, they were separated and got divorce on 14.06.1991 and the said Lakshmi remarried to one Somasundaram. Thereafter, the deceased employee married the petitioner herein and they have no issue. After the death of the deceased, the petitioner made application seeking death and retirement benefits, which was opposed by the first wife of the deceased employee claiming equal rights in the same. Hence, the petitioner and son of the deceased Manikandan, filed OP.No.11 of 2011 for succession certificate, which was ordered in their favour on 28.06.2011. Thereafter, the petitioner made a representation dated 17.09.2011 to the respondent enclosing all the required documents for grant of retirement and death

benefits due to her deceased husband. However, no fruitful result was forthcoming, which compelled her to file this writ petition for the aforesaid relief.

3. On the other hand, the learned counsel for the respondent fairly submitted that the respondent would consider the claim of the petitioner in the light of the documents produced by her, and pass orders, on merits, within a reasonable time that may be fixed by this Court.

4. Considering the nature of the issue involved herein and having regard to the submissions made by the learned counsel on either side, this Court directs the respondent to consider the representation of the petitioner dated 17.09.2011, if not already considered, and pass appropriate orders, on merits and in accordance with law and also in the light of the documents produced by her, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

The Assistant Executive Engineer General Work,
Corporation of Chennai,
No.67, Annapillai St.,
Chennai - 600 003.

+1cc to Mr.P.Vijendran, Advocate SR.No.6554

+1cc to MMrs.P.T.Ramadevi, Advocate SR.No.6516

W.P.No.5528 of 2015

EV(CO)
GMY(29/06/2021)