

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.7928 of 2014

G.Palaniammal

... Petitioner

Vs

1.The Government of Tamilnadu,
Rep. By its Secretary,
Home Department, Secretariat,
Fort St.George,
Madras - 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Madras - 600 004.

3. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4. The Principal Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Madras - 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to disburse the pensionary benefits, gratuity, provident fund and all other benefits due on the death of the petitioner's husband, namely Late Gnanaia Pandian, T.N.618, Head Constable worked under the 3rd respondent in terms of the award passed in A.S.No.41 of 2009 dated 17.09.2011 within a stipulated time fixed by this Court.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.S.Thangavel, SGP
for R1 to R3

ORDER

Heard both sides and perused the materials placed before this Court.

2.The prayer made in this writ petition is to direct the respondents to disburse the pensionary benefits, gratuity, provident fund and all other benefits due to the petitioner's husband, in terms of the award dated 17.09.2011 passed in A.S.No.41 of 2009, within a stipulated time fixed by this Court.

3.According to the petitioner, her husband viz., Gnanaia Pandian, joined as Constable and was later promoted as Head Constable (T.N.618). While working as such, he died due to illness on 11.01.2004. The petitioner had filed a suit in O.S.No.774 of 2004 before the Additional District Munsif, Srivilliputhur, to declare her as the legal heir of the said deceased employee. The trial court decreed the suit in favour of the petitioner by judgement and decree dated 24.10.2009, which was challenged by one Gowri and her children in A.S.No.41 of 2009 before the Sub Court, Srivilliputhur. During the course of hearing, the appeal suit was referred to Lok Adalat. On the basis of the compromise arrived at between the parties, an award was passed by the Lok Adalat on 17.09.2011. The said award was communicated to the respondents and a request was made by the petitioner to disburse the terminal benefits. The fourth respondent by his proceedings dated 22.03.2012, informed that the papers were sent to the third respondent for getting necessary orders from the first respondent. Thereafter, there was no response with regard to the claim made by the petitioner. Hence, she filed the present writ petition for the aforesaid relief.

4.Upon notice, the respondents 1 to 3 filed a detailed counter affidavit, wherein, in paragraphs 7, 8 and 11, it is inter alia stated as follows:

"7.I further submit that based on the orders of Lok Adalat, necessary proposal had been sent to the Accountant General, Tamil Nadu, Chennai, (Respondent 4) through this office letter in C.No.H2/50144/2011, dated 29.12.2011 and the same was returned to this office on 29.03.2012 with remarks that the relaxation orders may be obtained from Government for the disbursement of the terminal benefits in terms of the order passed by the Lok Adalat in his letter No.Pen.32/III/13207019/2011-12 dated 22.03.2012.

8.With regard to the averments made in paragraph 5 of the affidavit, I submit that the detailed proposal had been sent to Director General of Police, Tamil

Nadu, Mylapore, Chennai (respondent 2) with a request to obtain relaxation orders from the Government and communicate the same to the office of the respondent 3 for taking further action vide letter No.H2/50143/2011, dated 09.04.2013. In turn, the above proposal has been forwarded to Government (respondent 1) by the respondent 2 vide his letter in C.No.126937/Pension-2/2012 dated 30.04.2013 for relaxation orders.

11.The Director General of Police, Tamil Nadu, Mylapore, Chennai has forwarded the above proposal to the Government to issue necessary relaxation orders in this regard. The Government in G.O(D)No.553, Home (Pol.XV) Department, dated 24.07.2015 have issued orders in this regard."

5.From the averments made in the counter affidavit filed by the respondent authorities, it could be seen that while in service, the husband of the petitioner died on 11.01.2004, due to illness. Since there was a rival claim, the petitioner approached the Civil Court and obtained a decree to the effect that she is the sole legal heir of the deceased employee. The said decree was challenged by the rival claimant by filing AS.No.41/2009, which was disposed of, before the Lok Adalat, based on the compromise entered into between the parties. The petitioner communicated the same to the respondents and requested them to disburse the pensionary benefits. The fourth respondent returned the same on 22.03.2012 to the third respondent for getting relaxation orders from the Government, for disbursement of pensionary benefits to the petitioner. Upon receipt of the same, the third respondent by communication dated 09.04.2013, requested the second respondent to obtain necessary relaxation from the Government. The second respondent in turn, forwarded the said proposal on 30.04.2013 to the first respondent for necessary orders. The first respondent considered the claim of the petitioner and issued necessary orders in this regard vide G.O.(D)No.553 Home (Pol.XV) Department, dated 24.07.2015.

6.Such being the actual position, this Court deems it fit and appropriate to issue necessary directions to the respondent authorities. Accordingly, the third respondent is directed to act upon the orders passed by the Government in G.O.(D)No.553 Home (Pol.XV) Department, dated 24.07.2015 and forward the necessary proposal to the fourth respondent, who shall consider the same and disburse the pensionary benefits due to the deceased employee, to the petitioner. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msv

To

1.The Secretary,
Government of Tamilnadu,
Home Department, Secretariat,
Fort St.George,
Madras - 600 009.

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Madras - 600 004.

3. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

4. The Principal Accountant General,
(Accounts & Entitlements),
No.361, Anna Salai,
Madras - 600 018.

+1 cc to M/s.V.Vijaya Shankar, Advocate Sr.No. 945
+1 cc to M/s.R.Jayaprakash, Advocate Sr.No. 639
+1 cc to The Government Pleader Sr.No. 889

W.P.No.7928 of 2014

BR(CO)
RMP(09/03/2021)

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