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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 30.09.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition Nos.21115 of 2021

(Through Video Conferencing)

Mrs.K.Victoria

...Petitioner

Vs.

1. The Chief Manager  
Corporate Office,  
HR Department, Indian Bank,  
No.254-260, Avvai Shanmugam Salai,  
Royapettah, Chennai - 600 001.

2. The Chief Manager,  
Indian Bank,  
Thiruvallur Bazzar Branch,  
Plot No.2, J.N.Road,  
Thiruvallur - 602001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to sanction and disburse the entire monetary, terminal and other service benefits including all the due payable to the deceased M.Santhosam, Sub Staff, Indian Bank, Thiruvallur Bazzar Branch, Thiruvallur to the Petitioner pursuant to the Petitioner's representation dated 21.10.2019 made to the respondents within the time frame fixed by this Court.

For Petitioner : Mr.S.Srinivasan

For Respondent : No appearance

O R D E R

This writ petition is disposed at the admission stage itself, though the Petitioner is seeking a wider relief.

2. The Petitioner claims to be the only legal heirs of the deceased one Santhosam who died on 30.07.2010. The Petitioner has also obtained a legal heirs certificate from the Tahsildar on 26.08.2010. Meanwhile, one Mallika claiming to be the wife of the deceased Santhosam, i.e., the brother of the Petitioner



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tried to claim terminal benefit and attempted to get a legal heir certificate from the Tahsildar. Since the legal heir certificate was not granted, the said Mallika also filed a suit in O.S.No.173 of 2011 before the District Munsif Court, Thiruvallur for a declaration that she is the legally wedded wife of the deceased Santhosam, the brother of the Petitioner and was entitled for the family pension / terminal pension and for a consequential direction. The said suit was dismissed by a judgment and degree dated 18.11.2016. Meanwhile, the Petitioner has obtained legal heir certificate from the jurisdictional Tahsildar. Thereafter, the Petitioner has sent a representation to the Respondents to release the payment. However, the Respondents have not acted on the same. The Petitioner has also sent a legal notice dated 15.04.2019 followed a reminder dated 21.10.2019.

3. Considering the fact that the Petitioner is herself aged about 81 years, this Writ Petition is disposed by directing the Respondents to consider the representation of the Petitioner dated 21.10.2019 and pass appropriate orders on merits and in accordance with law within the period of four weeks from the date of receipt of a copy of this order.

4. While disposing the representation of the Petitioner, the Respondents shall consider the legal heir certificate dated 26.03.2010 of the deceased Santhosam, the brother of the Petitioner issued to the Petitioner and the Judgment and Degree dated 18.11.2016 passed by the District Munsif Court, Thiruvallur in O.S.No.173 of 2011. In case the Petitioner is otherwise eligible for the benefit sought for by the Petitioner in this writ Petition, the Respondents shall scrutinize the same and release the same to the Petitioner within a period of two weeks thereafter.

5. This writ petition stands disposed in the above observation. No costs.

s/d-  
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

rrg  
To

1. The Chief Manager  
Corporate Office,  
HR Department, Indian Bank,  
No.254-260, Avvai Shanmugam Salai,  
Royapettah, Chennai - 600 001.



2. The Chief Manager,  
Indian Bank,  
Thiruvallur Bazzar Branch,  
Plot No.2, J.N.Road,  
Thiruvallur - 602 001.

+1 CC to Mr. Srinivasan, Advocate sr 50743.

W.P.No.21115 of 2021

MG (CO)  
SP (22/10/2021)