

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27712 of 2018

V.Malliga

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar EVR High Road, Poonamalli High Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar cum Managing Director,
Kancheepuram District Consumer Co-operatives
Wholesale Market Ltd.,
G 1113, 185, Prakasam Salai, Chennai - 600 108.

3. Lakshmi ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's application on 03.04.2018 and issue the employee benefit funds such as encashment for leave, special Provident cum Gratuity, G.P.F. Balance, Family Security Fund, DCR Gratuity, Family Pension and other benefits of my husband late Mr.J.Vijayakumar to me.

For Petitioner : Mr.N.Sivakumar

For Respondents: Mr.T.Girija

Additional Government Pleader - R1

Mr.L.P.Shanmugasundaram,
Special Government Pleader - R2

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the representations of the petitioner dated 19.10.2017 and 03.04.2018 and sanction the benefits, such as, encashment of leave, Special Provident Fund cum Gratuity, GPF balance, Family pension etc. on the death of

her husband viz., J.Vijayakumar, to her.

2. According to the petitioner, her husband was appointed as Sales Assistant in the second respondent office during January 1998 and he died on 17.10.2017 due to illness, while he was in service. Stating that the petitioner, her mother-in-law and children are the only legal heirs of the deceased employee and she is entitled for the benefits due to him, she made representations dated 19.10.2017 and 03.04.2018 to the second respondent claiming employees benefit fund, gratuity and other benefits, to which, she received a letter dated 14.03.2018 directing her to produce the legal heir certificate or the succession certificate issued by the competent Court, as one Lakshmi also claiming herself as his wife, applied for the death benefits of the deceased Government servant. Subsequently, an enquiry was conducted by the Tahsildar, Purasaiwalkam Taluk, Chennai to ascertain the genuineness of the legal heir certificate issued to the petitioner and it was concluded that the said certificate is a genuine one. Even thereafter, no action was taken on the claim of the petitioner. Hence, this writ petition.

3. Upon notice, the second respondent filed a detailed counter affidavit, wherein it is inter alia stated that by letter No.708/1999 E2 dated 14.03.2018, it was informed to the petitioner that the financial benefits and compassionate ground appointment will be considered only after obtaining succession certificate from the competent Court, as one Lakshmi claimed herself as the second wife of the deceased and requested to settle the benefits to her; and till date, no order was obtained by the petitioner from the civil court. Further, it is specifically stated therein that the second respondent is ready to settle the terminal benefits of the deceased J.Vijayakumar to the real legal heirs soon after the production of succession certificate to be obtained by the petitioner from the competent Court.

4. However, the learned counsel for the petitioner submitted that the petitioner submitted all the required documents such as Aadhaar Card, Ration Card, Legal heir certificate etc. to the second respondent in support of her claim that she is the wife of the deceased Government servant. Further, the Tahsildar, Purasaiwalkam Taluk, Chennai conducted enquiry and sent a report dated 04.07.2018 to the effect that the legal heir certificate of the deceased was issued, to the petitioner, after proper verification. Thus, according to the learned counsel, the second respondent ought to have settled the death benefits to the petitioner, on the basis of the available documents.

5.Heard the learned counsel appearing for the respondents 1 and 2 and also perused the documents produced in the form of typed set and additional typed set of papers, before this Court.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the claim of the petitioner regarding the settlement of death benefits, in the light of the legally acceptable documents produced by her and pass appropriate orders, on merits, within a period of eight weeks from the date of receipt of a copy of this Order.

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

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vrc

To

1. The State of Tamil Nadu
Rep. by The Registrar of Co-operative Societies,
No.170, N.V.Natarajan Maaligai,
Periyar EVR High Road, Poonamalli High Road,
Kilpauk, Chennai - 600 010.
2. The Joint Registrar cum Managing Director,
Kancheepuram District Consumer Co-operatives
Wholesale Market Ltd.,
G 1113, 185, Prakasam Salai, Chennai - 600 108.

+2cc to Mr.N.Sivakumar, Advocate, S.R.No.20004

+1cc to Special Government Pleader(CO-OP), S.R.No.19342

W.P.No.27712 of 2018

SSN(CO)
CB(09/07/2021)

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