



WEB COPY

W.P.(MD) No.6063 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6063 of 2021

Selvakumar

... Petitioner

Vs

1.The Commissioner,
Backward Welfare Department and
Minority Welfare Department Office,
Chepauk, Chennai-5.

2.The Assistant Director,
District Backward Department and
Miniority Welfare Department Office,
Collectorate,
Thoothukudi District.

3.The Hostel Warden,
Backward Community Welfare Hostel,
Veerapandipattinam,
Thiruchendur Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to consider the petitioner's representation on 02.12.2020 on the basis of the representation.

For Petitioner : Mr.S.Balasubramanian
For R-1 and R-2 : Mr.P.Mahendran
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein claims disbursement of DCRG benefits of his paternal uncle, namely, Kumar, who was employed as Sweeper in the third respondent Hostel and had died on 28.07.2019. It is claimed that the deceased employee was unmarried. According to the petitioner, he is one of the legal heir of the deceased employee and that there are five other legal heirs.



3.The right to determination of DCRG benefits and disbursement to the appropriate legal heirs would be vested with the respondents herein and this Court may not be justified in stepping into the shoes of the respondents and adjudicating the claim made by the petitioner. Though the petitioner claims that all the legal heirs have no objection if the death cum retirement benefits are disbursed in favour of the petitioner herein, in my view, such an exercise could be made by the respondents herein after they are given an opportunity to make an enquiry with all the legal heirs of the deceased employee. In this connection, the petitioner herein claims to have given a representation on 02.12.2020 to the first respondent herein, which is said to be pending.

4.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 02.12.2020, by conducting an enquiry and giving an opportunity to all the legal heirs of the deceased employee of Late.Kumar. The first respondent is also at liberty to seek for all the supporting documents of the deceased employee including the death certificate and legal heir certificate, etc.,. The first respondent shall endeavour to dispose of the petitioner's representation, at least, within a period of three months from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS - II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Backward Welfare Department and
Minority Welfare Department Office,
Chepauk, Chennai-5.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Director,
District Backward Department and
Miniority Welfare Department Office,
Collectorate,
Thoothukudi District.

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+1 CC to M/s.SPL GP (SR-12484[F] dated 19/03/2021)

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(CO)
HB(24.04.2021) 3P 4C