



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **02.06.2021**

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9106 of 2021

1.Sherle

2.Sujatha

... Petitioners

Vs.

1.The Senior Accounts Officer/Pension -25,
Office of the Accountant General (A&E),
No.361, Anna Salai,
Chennai - 600 018.

2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 008.

3.The Principal and Correspondent,
St Xavier's College, (Autonomous),
Palayamkottai - 627 002.
Tirunelveli District.

4.Irudayaraj.
Retd. Assistant Professor,

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the petitioners' representation dated 01.12.2020 and directing the first respondent to send the withholding terminal benefits of the fourth respondent to the Family Court, Tiruchirapalli, on the account of M.C.No.168 of 2014, Family Court, Tiruchirappalli.

For Petitioners : Mr.G.S.Asok Adhithyan.

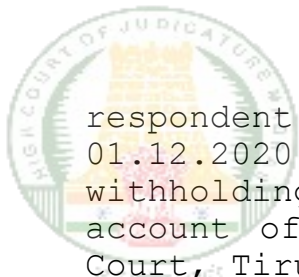
For Respondents : Mr.P.Thillak Kumar,
Standing Counsel for Government

O R D E R

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioners seeking for issuance of a Writ of Mandamus, directing the first



respondent to consider the petitioner's representation dated 01.12.2020 and directing the first respondent to send the withholding terminal benefits of the fourth respondent to the account of M.C.No.168 of 2014, pending on the file of the Family Court, Tiruchirappalli.

4. According to the petitioners, they are the daughters of the fourth respondent herein, who was working as Assistant Professor in the third respondent college and retired from service on superannuation on 31.07.2018. The petitioners' mother and the petitioners were filed Maintenance Petition in M.C.No.168 of 2014, before the Family Court, Tirichirappalli against the fourth respondent herein. The Family Court had dismissed the claim of the petitioners' mother, on the ground that she is sufficiently earning to maintain herself and allowed maintenance for the petitioners herein by order dated 12.04.2017. The further case of the petitioners is that the Revision filed by the fourth respondent against the order of maintenance in CrI.RC(MD) No.537 of 2017, before this Court was dismissed on 14.09.2018. Hence, the petitioners filed Execution Petition in CMP No.754 of 2018 in M.C.No.168 of 2014, before the Family Court, Tiruchirappalli on 10.12.2018. The learned Judge of the Family Court has passed an order in CMP No.754 of 2018, directing the Garnishee to keep the attached maintenance due amount of Rs.17,10,000/-. The Garnishee appeared before the Court and filed a petition stating that the first respondent is yet to sanction pensionary benefit to the fourth respondent. Therefore, the petitioners filed a petition before the Family Court in CMP No.147 of 2020 in CMP No.754 of 2018 in M.C.No.168 of 2014, for attachment of the retirement benefits of the fourth respondent. The grievance of the petitioners is that though the petitioners issued a legal notice to the first and second respondent, they neither complied with nor replied. The petitioners also sent representation dated 01.12.2020 to the first respondent and even after receipt of the same, the first respondent has not taken any steps for attachment of the retirement benefits of the fourth respondent. Hence, this Writ Petition.

5. The learned counsel for the petitioners would state that it would be suffice, if a direction is issued to the respondents, to dispose of the representation of the petitioners.

6. The learned standing counsel for the respondents would state that the representation of the petitioners would be considered within a reasonable time.



7. Considering the submissions of the learned counsel for the petitioners as well as the respondents and in the light of the facts and circumstances of the case, without going into the merits of the case projected by the petitioners either in their representation or in this Writ Petition, the respondents are directed to consider the representation of the petitioners dated 01.12.2020, on merits and in accordance with law and take appropriate action, within a period of twelve weeks from the date of receipt of a copy of this order

8. With the above direction, the Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar (CSI)

// 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.

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To:

- 1.The Senior Accounts Officer/Pension -25,
Office of the Accountant General (A&E),
No.361, Anna Salai,
Chennai - 600 018.
- 2.The Joint Director of Collegiate Education,
Tirunelveli Region,
Tirunelveli - 627 008.
- 3.The Principal and Correspondent,
St Xavier's College, (Autonomous),
Palayamkottai - 627 002.
Tirunelveli District.

+1 CC to M/s.G.S.ASOK ADITHYAN, Advocate (SR-18714[F] dated 03/06/2021)

+1 CC to M/s.SPL GP (SR-18739[F] dated 03/06/2021)



W.P(MD)No.9106 of 2021

Order made

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02.06.2021

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