



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM :

WEB COPY

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.20844 of 2021 and
WMP(MD) No.17461 of 2021

R.L.Akshaya

Petitioner

Vs.

- 1.The District Collector,
Collectorate Office,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Cherammahadevi,
Tirunelveli District.
- 4.The Tahsildar,
Tahsildar Office,
Radhapuram Taluk,
Tirunelveli District

5.Antony Jenifer

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation dated 26.07.2021 and direct the respondents 1 to 4 to provide compassionate appointment to the petitioner on the death of the petitioner's deceased father Robin Raj, who was served as a Village Administrative Officer at Kallikulam Village comes under the fourth respondent and also direct the respondents 1 to 4 to pay the death cum terminal benefits of the petitioner's deceased father Robin Raj, within the time frame fixed by this Court.

For Petitioner	: Mr.M.R.Sreenivasan
For R1 to R4	: Mr.G.V.Vairam Santhosh, Additional Government Pleader



ORDER

This Writ petition is filed directing the respondents 1 to 4, to disburse the death cum terminal benefits and to provide compassionate appointment to the petitioner, on the death of her father, namely Robin Raj, who died on 21.03.2021 while serving as Village Administrative Officer, Kallikulam.

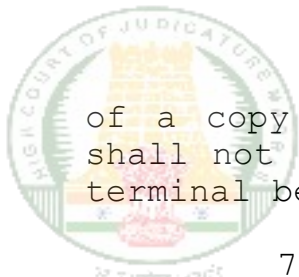
2. By consent of both the parties, the writ petition is taken up for final hearing at the admission stage itself.

3. The case of the petitioner is that she is the daughter of one Robin Raj, who served as Village Administrative Officer at Kallikulam and died on 21.03.2021. During his life time, he married the fifth respondent as second wife, after divorcing the petitioner's mother (first wife). The petitioner herein is the daughter born to the deceased Robin Raj and his first wife. The learned counsel for the petitioner submits that since the petitioner is the legal heir of the said deceased Robin Raj, she is entitled for the terminal benefits as well as compassionate appointment. Therefore, she sent a representation to the respondents 1 to 4, on 26.07.2021, seeking compassionate appointment and to settle the terminal benefits. Since the representation was not considered by the respondents 1 to 4 so far, the petitioner is before this Court, with the present Writ Petition.

4. Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 to 4 submits that if the petitioner produces proper legal heirship certificate, there is no impediment in disbursement of terminal benefits and also in providing the compassionate appointment to her. It is to be noted that the fifth respondent is the second wife of the petitioner's father, after the dissolution of the marriage between the petitioner's mother and the deceased. Hence, the fifth respondent is also entitled to get the terminal benefits.

5. Heard both sides and considered the rival submissions made by them.

6. It is seen that the petitioner herein is the daughter of the deceased Robin Raj and his first wife. The fifth respondent is the second wife of the deceased Robin Raj. Since both are entitled to claim the benefits, this Court is inclined to dispose of this Writ Petition with liberty to the petitioner to get legal heir Certificate from the concerned Court, by filing necessary suit and obtain a decree and on such production of legal heir certificate, the respondents 1 to 4 shall take a decision on disbursement of the terminal benefits as well as providing compassionate appointment. It is made clear that the petitioner has to implead the fifth respondent as defendant in the suit to be filed. Such exercise shall be completed within a period of six months from the date of receipt



of a copy of this order. Till such time, the respondents 1 to 4 shall not take any decision with regard to the disbursement of the terminal benefits and the compassionate appointment.

7. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 District Collector, Collectorate Office,
Tirunelveli District, Tirunelveli.

2.The District Revenue Officer,
District Revenue Office,
Tirunelveli District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Cherammahadevi, Tirunelveli District.

4.The Tahsildar, Tahsildar Office,
Radhapuram Taluk, Tirunelveli District

+1 CC to M/s.SPL GP (SR-35647[F] dated 24/11/2021)

+1 CC to M/s.M.R. SREENIVASAN, Advocate (SR-35966[F] dated
25/11/2021)

Order made in
W.P(MD) No.20844 of 2021 and
WMP(MD) No.17461 of 2021
23.11.2021

tsk(CO)

TR(14.12.2021) 3P 7C