



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD).No.15598 of 2018

C.Rajan

... Petitioner

vs.

1.The Director,
Directorate of Indian Army Veteran
Adjutant General's Branch,
IHQ of MoD(Army),
Maude Lines, 104 Cavalry Road,
Delhi 110 010.

2.The Deputy Director,
Ex-Servicemen's Welfare,
Ex-Services Centre and Shopping Complex,
Railway Feeder Road,
Kottar,
Nagercoil,
Kanyakumari 629 002.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 07.04.2017 and to conduct an enquiry as per direction issued by the first respondent in B/49868/DIAV/DESW/Vol II/480, dated 29.03.2018 and to pass final orders within a stipulated time.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mrs.L.Victoria Gowri

Assistant Solicitor General of India

O R D E R

The petitioner's brother had been appointed as a Soldier in the Indian Army on 08.10.2011 and had passed away on 02.08.2016, at the Military Hospital, Dinjan.

2. The petitioner would contend that the death benefits would enure to all the legal heirs, but have been diverted for his own benefit by his youngest brother one Sam Raj.C. None of the other legal heirs have been arrayed in this writ petition, though the legal heirship certificate lists six legal heirs of the deceased



3. The representation filed by the petitioner has been forwarded to the Deputy Director / R2 as early as in 2011 and no action has been taken till date. In such circumstances, a direction is issued to R2 to hear the petitioner as well as the other legal heirs and decide the grievance expressed by the petitioner in his representation dated 22.02.2017 and 07.04.2017, within a period of twelve weeks from today.

4. This Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

akv

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 Director,
Directorate of Indian Army Veteran
Adjutant General's Branch,
IHQ of MoD(Army),
Maude Lines, 104 Cavalry Road,
Delhi 110 010.

2.The Deputy Director,
Ex-Servicemen's Welfare,
Ex-Services Centre and Shopping Complex,
Railway Feeder Road,
Kottar, Nagercoil,
Kanyakumari 629 002.

+1 CC to M/s.M. SARAVANAKUMAR, Advocate (SR-36556[F] dated 30/11/2021)

W.P. (MD) .No.15598 of 2018
29.11.2021

NSN(CO)

<https://hservices.ecourts.gov.in/hservices/> SP(07-01-2022) 2P 4C