



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)NO.1421 OF 2017

and

C.M.P(MD)No.10635 of 2017

The Tamil Nadu Industrial Cooperative Bank Limited,
represented by its Branch Manager,
K.John Musthafa,
No.112/C/1-A,P.K.N Road,
(Near Rathinavilas Bus Stop)
Sivakasi 626 189.

:Appellant/Third Party

.vs.

1.T.Rathikala

:1st Respondent/Petitioner

2.The Chief Engineer,
P.W.D Water Resources Organization,
Chepauk,
Chennai.

3.The Superintending Engineer,
P.W.D Water Resources Organization,
Chepauk,
Chennai.

4.The Executive Engineer,
P.W.D Water Resources Organization,
Mel Vaiparu Basin Region,
Rajapalayam,
Virudhunagar District.

: Respondents2 to 4/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.4043 of 2017, dated 18.07.2017.

Prayer in WP(MD). 4043/ 2017 :

Writ Petition is filed under Article 226 of the
Constitution of India, praying this Court To issue a Writ of
Mandamus directing the Respondents herein to disburse the death,
gratuity, family pension, PF and all other monetary benefits of the
petitioners husband Late. Thirupathy Venkadachalam to the petitioner
and her children within the time frame as fixed by this Court.

For Appellant

:Mr.G.Arunachalam

For Respondent-1

:Mrs.Lakshmi Gopinathan

for M/s.Polax Legal Solutions

**JUDGMENT**

[Judgment of the Court was made by **PUSHPA SATHYANARAYANA, J.**]

This Writ Appeal is directed against the order passed by this Court in W.P(MD)No.4043 of 2017, dated 18.07.2017.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Original Writ Petitioner filed the Writ Petition for a mandamus directing the respondents therein to disburse the death gratuity, family pension, Provident Fund and all other monetary benefits of the Petitioner's husband Late.Thirupathy Venkatachalam to the Petitioner and to her children. After considering the plight of the Petitioner, this Court, by order, dated 18.7.2017, directed the fourth respondent herein to pay the Petitioner gratuity, family pension including arrears of pension and other monetary benefits payable to the Petitioner's husband within a period of four weeks from the date of receipt of a copy of this order.

4.The appellant herein is a third party, the Tamil Nadu Industrial Co-operative Bank Limited,Sivakasi. According to the appellant, the order is passed by the learned Single Judge without considering the dues due to the appellant. Whether the appellant is a necessary party in a mandamus is a question which is not gone into. Now the learned counsel for the appellant himself has stated that pursuant to the order of the learned Single Judge, already the fourth respondent had paid the amount that were due to the Petitioner payable to her deceased husband. Therefore, nothing survives for further adjudication and it is open to the appellant to recover the amount due to the Petitioner's husband in the manner known to law, if so advised.

5.Accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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 Chief Engineer,
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Chepak,
Chennai.

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P.W.D Water Resources Organization,
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Rajapalayam,
Virudhunagar District.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-2533[F] dated
01/02/2021)

W.A (MD) NO.1421 OF 2017
and
C.M.P (MD) No.10635 of 2017
27.01.2021

MJ(CO)
KB(09.02.2021) 3P 5C