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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.503 of 2022

Jaya

... Petitioner

vs.

1. The Chief Accountant General,
AG Office, Chennai 600 018.
2. The Collector, Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri 636 701.
4. The Tahsildar, Pennagaram Taluk,
Pennagaram, Dharmapuri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to disburse the following payments viz. 1. Gratuity, 2. Commutation of Pension amount, 3.General Provident Fund, 4. Special Provident Fund and 5. Family Pension to the petitioner, wife of deceased S.Madhan, Village Assistant, Pallipatti, Pennagaram Taluk, Dharmapuri District.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mrs.Hema Murali Krishnan for R1

Mr.L.S.M.Hasam Fizal, Addl.Gov.Pleader
for R2 to R4

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to pay the terminal benefits of the deceased S.Madhan, husband of the petitioner.



2. Mrs.Hema Muralikrishnan, learned counsel takes notice for the first respondent and Mr.L.S.M.Hasam Fizal, learned Addl. Govt. Pleader takes notice for the respondents 2 to 4.

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3. The case of the petitioner in brief:

The petitioner's husband namely Madhan was working as a Village Assistant at Pallipatti Village, Pennagaram Taluk, Dharmapuri District and while he was in service, died on 07.08.2009 due to illness. Earlier, the petitioner's husband married one Mari and she died on 24.04.1992 and through her, he had a daughter by name Chitra and two sons viz. Moorthy and Anandan. After death of his first wife, he married the petitioner on 13.05.1994. According to her, the petitioner's husband appointed her as a nominee to receive General Provident Fund. However, the respondents have not disbursed the Gratuity, Commutation, General Provident Fund, Special Provident Fund and Family Pension. Even, after representation dated 07.05.2014 made by the petitioner and a direction from the State Human Rights Commission dated 10.01.2017, the respondents have not settled the above amounts. Hence, the petitioner caused a legal notice on 30.01.2020, but the respondents did not respond the same. Hence the writ petition.

4. The learned Additional Government Pleader, appearing for the respondents 2 to 4 submitted that the deceased S.Madhan had two wives, and apart from the petitioner, other legal heirs are there. He further submitted that, opportunity of hearing the other legal heirs of the deceased Madhan shall also be given, then only, appropriate orders will be passed on the representation of the petitioner.

5. Inview of the submission made by the learned Additional Government Pleader, without expressing any opinion on merits and by consent of both the counsels to the parities, this court is inclined to pass orders at the admission stage itself.

6. Accordingly, it is ordered as follows:

i. The fourth respondent is directed to consider the representation of the petitioner dated 07.05.2014 and pass orders on its own merits, in accordance with law, after providing opportunity to the other legal heirs of the deceased S.Madhan, if necessary, within 12 weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chief Accountant General,
AG Office, Chennai 600 018.
2. The Collector, Dharmapuri District,
Dharmapuri.
3. The Revenue Divisional Officer,
Dharmapuri 636 701.
4. The Tahsildar, Pennagaram Taluk,
Pennagaram, Dharmapuri District.

+1cc to Mr.Hema Murali Krishnan, Advocate, S.R.No.3216

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.3142

+1cc to the Government Pleader, S.R.No.3422

W.P.No.503 of 2022

PCH(CO)
SU(08/02/2022)