



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.5440 of 2019

R.Manoj Singh

... Petitioner

-Vs-

- 1 The Senior Accounts Officer
Office of Accountant General,
361 Anna Salai, Teynampet,
Chennai - 600018.
 - 2 The Chief Engineer
Public Works Department,
Coimbatore Division
Water Resource Department,
Coimbatore - 641001
 - 3 The Superintending Engineer
Public Works Department,
P.A. Basin Circle,
Water Resource Department,
Pollachi.
 - 4 The Executive Engineer
Public Works Department,
Sholayar Basin Division,
Water Resource Department,
Valparai.
 - 5 R.Rasheela
W/o. Late Premanand
 - 6 P.Rushmitha
D/o. Late Premanand
 - 7 P.Sruthilaya
(Respondents 5 to 7 impleaded vide order
dated 22.04.2022 made in WMP No.27501
of 2021 in WP 5440/2019)
- ... Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 4th respondent to furnish complete service details of Late Redaman Singh to the 1st respondent within the time limit fixed by this Honorable Court enabling the 1st respondent processing the family pension and other benefits.

For Petitioner : Mr.A.Sriram

For Respondents: Mrs.T.S.Selvarani - for R1
Mr.T.Sampath Kumar
Government Advocate - for R2 to R4
Mr.M.Santhanaraman - for R5 to R7

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 4th respondent to furnish complete service details of Late Redaman Singh to the 1st respondent within the time limit fixed by this Honorable Court enabling the 1st respondent processing the family pension and other benefits.

2. The petitioner's father one Redaman Singh was working as Assistant Executive Engineer at the Public Works Department ie., the respondent herein. However, during service he died. Therefore, in order to get the death-cum-retirement benefits, the petitioner being one of the sons of the deceased employee filed the present writ petition seeking a writ of Mandamus.

3. In this context, the plea of the petitioner is that the service records with necessary particulars was pending before the fourth respondent office, in which the petitioner's father ie., the deceased employee was last working and therefore those documents have to be forwarded by the fourth respondent to the first respondent to take a decision as to the plea of the petitioner for disbursing the death-cum-retirement benefits.

4. In this context, Mr.T.Sampath Kumar, learned Government Advocate appearing for the official respondents ie., respondents 2 to 4 submits that, the fourth respondent, by proceedings in Lr.No.319/22 dated 03.06.2022 has sent the necessary particulars and proposal to the first respondent and therefore based on the same decision can be taken by the first respondent with regard to the plea raised by the petitioner for disbursement of death-cum-retirement benefits.

5. However, Mr.M.Santhana Raman, learned counsel for respondents 5 to 7 who were subsequently impleaded in the writ



petition submits that, the deceased employee has got two sons, the second son is the petitioner and the first son viz., Premanand since pre-deceased, his wife and two daughters have been impleaded as party respondents ie., respondents 5 to 7 in this writ petition subsequently. Therefore, he would submit that, if at all any decision to be taken by the first respondent with regard to the plea made by the petitioner for disbursement of death-cum-retirement benefits of the deceased employee it shall be taken into consideration that all the legal heirs ie., respondents 5 to 7 are also entitled to get part of the death-cum-retirement benefits. Hence, to that extent suitable orders shall be passed by this Court, he contended.

6. Having considered the submissions made by the learned counsel for the parties and having perused the materials placed before this Court, including the letter of the fourth respondent dated 03.06.2022, which has been produced by the learned Government Pleader before this Court, this Court is inclined to dispose of this writ petition with the following order.

"That there shall be a direction to the first respondent to consider the plea of the petitioner as well as the respondents 5 to 7 in the light of the communication dated 03.06.2022 from the fourth respondent with regard to the disbursement of death-cum-retirement benefits of the deceased employee and take a decision thereon, by giving an opportunity of being heard both to the petitioner as well as the private respondents herein by sending them separate notices, on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order."

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

KST



To

1 The Senior Accounts Officer
Office of Accountant General,
361 Anna Salai, Teynampet,
Chennai - 600018.

2 The Chief Engineer
Public Works Department,
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Water Resource Department,
Coimbatore - 641001

3 The Superintending Engineer
Public Works Department,
P.A. Basin Circle,
Water Resource Department,
Pollachi.

4 The Executive Engineer
Public Works Department,
Sholayar Basin Division,
Water Resource Department,
Valparai.

+1cc to Mr.M.Santhanaraman, Advocate SR.No.32971

+1cc to Mr.L.Mouli, Advocate SR.No.33292

+1cc to Government Pleader SR.No.33649

W.P.No. 5440 of 2019

GP(CO)
GMY(20/06/2022)