



WEB COPY



WP No.27618 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

**WP No.27618 of 2016
And
WMP No.23797 of 2016**

S.Srinivasan

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Petitioner

VS.

1.The Secretary to Government (PWD),
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Chief Engineer,
Office of the Chief Engineer,
Corporation of Chennai,
Chennai.

3.The Executive Engineer,
Unit-27, Corporation of Chennai,
No.2, Dr.Besant Road,
Ice House,
Chennai – 600 005.



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4.The Assistant Executive Engineer,
Unit-27, Corporation of Chennai,
No.2, Dr.Besant Road,
Ice House,
Chennai – 600 005.

5.The Zonal Officer,
Division No.III, Zone-VII,
Corporation of Chennai,
Valluvarkottam,
Chennai.

6.The Tahsildar,
Taluk Office,
Mylapore,
Chennai.

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Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent Nos.1 to5 to consider the petitioner's representations dated 20.06.2010 and 29.06.2015, thereby direct them to disburse/grant/sanction entire death benefits such as Immediate Monetary Relief, Death Gratuity, General Provident Fund, Deposit Linked Insurance Amount, Leave Encashment, Pension and etc., with interest at the rate of 18% per annum to the petitioner forthwith without any further delay for death of the petitioner's adopted mother late Kumari S.Seshamma (Employee 701024), who died in harness on 30.10.2009 during the course of employment, when she was working as 'Sanitary Worker' at Corporation of Chennai by strictly following the



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Succession Certificate dated 28.04.2015 issued by this Court in O.P.No.136 of 2014 and also strictly following Nomination dated 30.06.2009 entered in Form-A, E & VII.

For Petitioner	: Mr.Prakash Adiadam
For Respondent-1	: Mr.K.Surendran, Additional Government Pleader.
For Respondents-2 to 5	: Mr.S.Gopinathan, Standing Counsel.
For Respondent-6	: Mr.D.Gopal, Government Advocate.

O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to consider the representations submitted by the writ petitioner respectively on 20.06.2010 and 29.06.2015 and to direct them to pay the death benefits and other terminal benefits due to the deceased employee Kumari S.Seshamma

2. The employee late Kumari S.Seshamma died on 30.10.2009 and the petitioner states that he was adopted by the deceased employee as her son by way of Adoption Deed dated 07.09.2006. After the death of the



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employee, the petitioner submitted an application for settlement of terminal and pensionary benefits due to the deceased employee in his capacity as her adopted son.

3. The Authorities asked the petitioner to submit all the relevant documents, enabling them to consider the case. However, the petitioner submitted a representation along with the documents and the Authorities have failed to consider the same. Therefore, the present writ petition is filed by the writ petitioner.

4. During the pendency of the present writ petition, the benefits due to the deceased employee were settled in favour of the writ petitioner.

5. The learned Additional Government Pleader appearing on behalf of the first respondent, the learned Standing Counsel appearing on behalf of respondents 2 to 5 and the learned Government Advocate appearing on behalf of the sixth respondent, have made a submission that all



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the benefits were settled during the pendency of the present writ petition and a report was also filed to that effect.

6. However, the learned counsel for the writ petitioner made a submission that the interest is to be paid for the belated settlement of the terminal benefits. Regarding the interest for the belated settlement of terminal and pensionary benefits, the petitioner has to establish that there was an administrative delay on the part of the Authorities concerned.

7. In the present case, the petitioner is an adopted son and even at the time of adoption, the petitioner was aged about 16 years and the deceased employee was aged about 40 years. Under those circumstances, the Authorities asked the petitioner to submit the other relevant documents, including the Succession Certificate, which was produced by the petitioner.

8. Therefore, the Authorities Competent have to consider the date from which the writ petitioner is eligible for claiming interest as per the Rules in force. In this regard, the petitioner is at liberty to approach the



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Authorities Competent and and the Authorities Competent have to find out the administrative delay, if any, in sanctioning and disbursing the terminal and pensionary benefits and accordingly, take a decision and communicate the same to the writ petitioner.

9. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
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To

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S.M.SUBRAMANIAM, J.

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