



WEB COPY



W.P.No.8185 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 23.11.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.8185 of 2016**

N.Umayal

...Petitioner

Vs.

1.The Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai – 600 009.

2.The Principal Commissioner,  
Commissioner of Revenue Administration,  
Ezhilagam, Chepauk,  
Chennai – 600 005.

Respondents

**Prayer** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the respondents to disburse the terminal benefits to the petitioner in respect of the death of the petitioner father Mr.R.M.Thiyagarajan with interest at the rate of 12% P.A for delayed payments with in time stipulated by this Court.



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For Petitioner : Mrs.M.Ramani  
for M/s.R.Subburaj

For Respondents : Mr.T.Sampath Kumar  
Government Advocate

### **ORDER**

The relief sought for in the present writ petition is to direct the respondents to disburse the terminal benefits to the petitioner in respect of the death of the petitioner's father Mr.R.M.Thiyagarajan with interest at the rate of 12% P.A for delayed payments within the time stipulated.

2.The father of the writ petitioner was working as a Village Administrative Officer and died on 28.05.2013, during the pendency of the disciplinary proceedings initiated against him. The father of the writ petitioner was subsequently imposed with the penalty of removal from service by the Government in G.O.(D)No.399, Revenue Department, dated 02.09.2016. Since the punishment of removal from service was imposed on the employee, the legal heirs are not eligible for terminal and pensionary benefits. However, the contribution of the employee as per the Rules are to be settled in favour of the legal heirs. It is



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brought to the notice of this Court that two legal heirs are alive as far as the deceased employee is concerned and the petitioner along with the other legal heir is at liberty to approach the competent authorities for the purpose of settling the eligible benefits as per the rules which is applicable to the employee, who was removed from service. In the event of submitting any such application, the competent authorities shall consider the same and take a decision, as expeditiously as possible.

3. Accordingly, this writ petition stands disposed of. No Costs.

**23.11.2022**

Index : Yes  
Internet : Yes  
Speaking order : Yes  
ssr

To

1. The Secretary to Government,  
Revenue Department,  
Secretariat,  
Chennai – 600 009.
2. The Principal Commissioner,  
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Ezhilagam, Chepauk,  
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**S.M.SUBRAMANIAM, J.**

SSR

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