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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 23856 of 2019

P.Sujatha

... Petitioner

-vs-

1. The Commissioner,
Agriculture Department,
O/o. Tamil Nadu Agriculture Department Commissioner,
Chepauk,
Chennai - 600 005.

2. The Joint Director,
Agriculture Department,
Villupuram - 605 602,
Villupuram District.

3. The Assistant Director,
Agriculture Department,
Pagandal Koot Road,
Vanapuram,
Ariyalur Post,
Sankarapuram Taluk,
Villupuram District.

4. K.Premkumar Duraisamy

... Respondents

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First to Third Respondents to include the names of the Petitioner and his son Varun aged about 14 years as nominee of the Fourth Respondent in his service record based on the Petitioner's representations dated 08.10.2018 and 28.03.2019 forthwith.

For Petitioner : Mr. C.Prabakaran

For Respondents : Mr. Vadivelu Deenadayalan,
Additional Government Pleader
(for R1 to R3)



O R D E R

Heard Mr. C.Prabakaran, Learned Counsel for the Petitioner and Mr. Vadivelu Deenadayalan, Learned Additional Government Pleader appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, she had married the Fourth Respondent on 14.12.2007 and she had made representations dated 08.10.2018 and 28.03.2019 to the Third Respondent to enter her name and that of her son, viz., Varun, as nominees of the Fourth Respondent in his service records, but as no action had been taken, the Writ Petition has been filed in that regard.

3. Learned Counsel for the Petitioner, on instructions, states that the Fourth Respondent died on 20.10.2020 after the filing of the Writ Petition and that his mother, viz., Thilammal has filed a civil suit in O.S. No. 18 of 2021 before the District Munsif Court, Mettupalayam, impleading the Petitioner and her son as the Third and Fourth Defendants relating to the matrimonial status of the Petitioner with the Fourth Respondent. He has also filed a memo dated 29.04.2022 to that effect, which is placed on record.

4. In such circumstances, the Writ Petition is disposed on the following terms:-

- (i) the Petitioner and the mother of the Fourth Respondent shall work out their rights in the civil suit in O.S. No. 18 of 2021 before the District Munsif Court, Mettupalayam and depending upon its outcome, the concerned authorities shall take necessary further action in the matter;
- (ii) in the interregnum, the First to Third Respondents shall determine the eligible amount of terminal benefits of the Fourth Respondent and invest the same in an interest fetching fixed deposit in any Nationalized Bank initially for a period of one year and renewable automatically from time to time till final decision is taken in the matter so that the benefit of accrued interest would enure to the concerned parties during the pendency of the litigation;
- (iii) the District Munsif Court, Mettupalayam shall ensure that there is atleast one effective hearing in O.S. No. 18 of 2021 every fortnight showing progress of the case and



quarterly reports in that regard shall be filed before the Registrar (Judicial) of this Court; and

(iv) there shall be no orders as to costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vjt

To

1. The Commissioner,
Agriculture Department,
O/o. Tamil Nadu Agriculture Department Commissioner,
Chepauk, Chennai - 600 005.
2. The Joint Director,
Agriculture Department,
Villupuram - 605 602,
Villupuram District.
3. The Assistant Director,
Agriculture Department,
Pagandal Koot Road,
Vanapuram, Ariyalur Post,
Sankarapuram Taluk,
Villupuram District.

Copy to

1. The Presiding Officer,
District Munsif Court,
Mettupalayam.
2. The Registrar (Judicial)
High Court, Madras (18/05/2022)

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.30946

+1cc to the Government Pleader, S.R.No.30946

W.P. No. 23856 of 2019

VG-II(CO)
SU(18/05/2022)