



W.P.No.27099 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.11.2022

CORAM:

THE HON'BLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.No.27099 of 2022

A.Mahesh

... Petitioner

Vs.

1.The Divisional Engineer
(Highways department)
Construction and Management
Gobichettipalayam
Erode District

2.The Assistant Divisional Engineer
(Highways department)
Construction and Management
Office of the Assistant Divisional Engineer
Gobichettipalayam, Erode

3.The Assistant Engineer
(Highways department)
Construction and Management
Gobichettipalayam, Erode

4.Baby @ Valliammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India
praying for issuance of Writ of Mandamus, directing the respondents to



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disburse petitioner father's death benefits and family pension along with interest at 18% from the date of death of his father to till payment based on petitioner representation dated 19.07.2022 without asking the 4th respondent's presence.

For Petitioner : Mr.S.P.Yuvaraj

For Respondents : Mr.S.Balamurugan
Govt. Advocate for R1 to R3

ORDER

The Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's father's death benefits and family pension along with interest at 18% p.a. from the date of death of his father till the date of payment, based on petitioner's representation dated 19.07.2022 without asking for the presence of the 4th respondent within the time frame fixed by this Court.

2.It is the contention of the learned counsel for the petitioner that the petitioner and his brother are alone entitled for their father's retirement benefits as his father late Andamuthu died on 25.11.2018



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while he was working in the Highways department. It is his further contention that due to dispute with the 4th respondent, who is none other than the mother of the petitioner, the retirement benefits of late Andamuthu has not been paid till date. According to the petitioner, the 4th respondent got married again and therefore she is not entitled to receive the retirement benefits payable to late Andamuthu. However, according to the petitioner, the official respondents are insisting for production of No Objection Certificate from the 4th respondent to enable them to disburse the retirement benefits to the petitioner and to his brother which is payable to their father late Andamuthu. According to the petitioner, due to some personal dispute, the petitioner is not able to get the No Objection from the 4th respondent as sought for by the official respondents. Thereby, the petitioner has given a representation dated 19.07.2022 to the official respondents, requesting for payment of death cum retirement benefits payable to late Andamuthu without insisting for no objection certificate from the 4th respondent. Since the representation has not been considered till date, the present writ petition has been preferred.



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3.Heard Mr.S.P.Yuvaraj, the learned counsel for the petitioner and Mr.S.Balamurugan, the learned Government Advocate appearing for the respondents 1 to 3. Notice sent to the 4th respondent has been duly served and her name is also printed in the cause list today, despite the same, none entered appearance on her behalf.

4.No prejudice would be caused to any of the parties if the petitioner's representation dated 19.07.2022, seeking for disbursement of his father's death cum retirement benefits is considered on merits and in accordance with law after affording a fair opportunity of hearing to all the legal representatives of the deceased late Andamuthu, including the petitioner and the 4th respondent, who is the mother of the petitioner and the wife of the deceased employee Andamuthu.

5.For the foregoing reasons, this Court directs the 2nd respondent to pass final orders on merits and in accordance with law on the petitioner's representation dated 19.07.2022, requesting for disbursement of his father's (Late Andamuthu) death cum retirement benefits within a period



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of twelve (12) weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner as well as the 4th respondent and other Legal Representatives of the deceased Andamuthu, if there are any.

6. With the aforesaid directions, this Writ Petition stands disposed of. No costs.

14.11.2022

kas

Index: yes / no
Internet: yes / no
Speaking / Non speaking

To

1. The Divisional Engineer
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Gobichettipalayam
Erode District

2. The Assistant Divisional Engineer
(Highways department)
Construction and Management
Office of the Assistant Divisional Engineer
Gobichettipalayam, Erode



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ABDUL QUDDHOSE, J.

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3.The Assistant Engineer
(Highways department)
Construction and Management
Gobichettipalayam, Erode

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