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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

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

W.P.No. 30917 of 2017

S.Arunadevi

... Petitioner

-vs-

1. The Directorate of Rural Development,
Panangal Building, Saidapet,
Chennai-16.
2. The Block Development Officer,
Panchayat Union Office,
Thuraimangalam,
Perambalur Taluk & District.

3. Chandrakala

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus directing the First and Second Respondents to disburse the Death cum Gratuity and other terminal benefits of (late) P.Subramanian to Petitioner and pass orders in pursuance of her representation made to the respondents dated 16.11.2015 and followed by letter of Second Respondent in ref No.Na.Ka.En.AA1/3308/2015 dated 03.02.2016.

For Petitioner : Mr. R.Veeramani

For Respondents : Mr. P.Gurunathan
Additional Government Pleader (For R1)
Mr. R.S.Selvam (For R2)
Mr. G.Peranban (For R3)

O R D E R

Heard Mr. R.Veeramani, Learned Counsel for the Petitioner, Mr. P.Gurunathan, Learned Additional Government Pleader for the First Respondent, Mr. R.S.Selvam, Learned Counsel for the Second Respondent, Mr. G.Peranban, Learned Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.



2. According to the Petitioner, she is the adopted daughter of one P.Subramanian, who was employed as driver in the office of the Second Respondent and had died in service and by decree of divorce dated 21.07.2014 in H.M.O.P. No. 107 of 2011 passed by the Principal Subordinate Court, Tiruchirappalli, the marriage between the said P.Subramanian and the Third Respondent was dissolved. In that backdrop, the Petitioner has filed this Writ Petition for directing the First and Second Respondents to disburse the death cum retirement gratuity and other terminal benefits of the said P.Subramanian to her as his nominee and pass orders on her representation dated 16.11.2015 made to the Respondents and followed by the Letter in Ref No. Na. Ka. En. AA1/3308/2016 dated 03.02.2016 of the Second Respondent.

3. It is borne out from the materials placed on record that after the filing of the Writ Petition, the Third Respondent has filed the suit in O.S. No. 208 of 2018 before the Sub Court, Perambalur impleading the Petitioner as the Fourth Defendant seeking the following reliefs:-

- "(i) To direct the First to Fourth Defendants to pay to the Plaintiff a sum of Rs.20,000/- per month towards her maintenance from the date of the suit till next one year of the Plaintiff.
- (ii) To direct to pay the death cum terminal benefits of deceased husband of Plaintiff pending on the file of Fifth and Sixth defendant towards her maintenance Plaintiff and consequently pay the respective other monetary benefits availed with the Fifth and Sixth Defendant towards her maintenance from the date of this suit till the date of realization.
- (iii) To create a first charge over the "A" and "B" suit schedule property in respect of the relief of maintenance.
- (iv) To restrain the Defendants First to Fourth, his men, agent or anybody claiming under them from interfering with the peaceful possession and enjoyment of the suit "A" and "B" schedule property without due process of law."

Since disputed questions of fact are involved on the rival claims of the Petitioner and the Third Respondent requiring examination of witnesses and production of documents to substantiate it, the proper recourse would be to relegate the parties in that pending suit without expressing any view by this Court in the matter.



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

- (i) the Petitioner and the Third Respondent shall work out their rights in the suit in O.S. No. 208 of 2018 before the Sub Court, Perambalur and depending upon its outcome, the First and Second Respondents shall take necessary action for the disbursement of the terminal benefits of the deceased employee;
- (ii) in the interregnum, the First and Second Respondents shall determine the eligible amount of terminal benefits of the deceased employee 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 Sub Court, Perambalur shall ensure that there is atleast one effective hearing in O.S. No. 208 of 2018 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.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

gd

To

1. The Directorate of Rural Development,
Panangal Building, Saidapet,
Chennai-16.
2. The Block Development Officer,
Panchayat Union Office,
Thuraimangalam,
Perambalur Taluk & District.



Copy to

1. The Subordinate Judge,
Perambalur.
2. The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

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+1cc to Mr.Veeramani, Advocate, S.R.No.13733

+1cc to Mr.Selvam, Advocate, S.R.No.13693

+1cc to the Government Pleader, S.R.No.14125

W.P.No. 30917 of 2017

MG(CO)
SU(06/04/2022)