



W.P.(MD) No.4192 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4192 of 2020
and WMP(MD) No.3507 of 2020

Sree Kala @ Kala Rani

... Petitioner

-VS-

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil

2.G.Vasanth

3.V.J.Kesava Kumar

4.V.J.Jeyalakshmi

5.V.J.Sree Lakshmi

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 03.12.2019, 07.01.2020 to disburse the death cum retirement benefits of Late Jalaja Kumar in terms of the succession certificate issued by the learned District Judge's Court at Nagercoil on 17.07.2018 in S.O.P.No.91 of 2016 thereby crediting an amount of Rs.5,00,000/- before the learned District Judge's Court,



W.P.(MD) No.4192 of 2020

Kanyakumari District at Nagercoil and further direct the 1st respondent to credit 50% of (1) Life time arrears (2) Special Provident Fund cum gratuity (3) settlement of GPF Accumulations (4) Tamil Nadu Government Servant Family Security Fund (5) Educational concession to children, (6) Dearness allowance of Late Jalaja kumar in the petitioner's account bearing Account No.11352121006062 in the Oriental Bank, Veturnimadam branch, Nagercoil.

For Petitioner : Mr.S.Rama

For Respondents : Mr.G.V.Vairam Santhosh for R1
Additional Government Pleader
No appearance for R2 to R5

ORDER

This writ petition has been filed for a direction to the 1st respondent to consider the petitioner's representation dated 03.12.2019, 07.01.2020 to disburse the death cum retirement benefits of Late Jalaja Kumar in terms of the succession certificate issued by on 17.07.2018 in S.O.P.No.91 of 2016 thereby crediting an amount of Rs.5,00,000/- before the learned District Judge's Court, Kanyakumari District at Nagercoil and further direct the 1st respondent to credit 50% of (1) Life time arrears (2) Special Provident Fund cum gratuity (3) settlement of GPF Accumulations



W.P.(MD) No.4192 of 2020

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(4) Tamil Nadu Government Servant Family Security Fund (5) Educational concession to children, (6) Dearness allowance of Late Jalaja kumar in the petitioner's account bearing Account No.11352121006062 in the Oriental Bank, Veturnimadam branch, Nagercoil.

2. When the matter was taken up for hearing, the learned counsel for the petitioner would submit that he has no instructions. Considering the pendency of the writ petition from the year 2020, this writ petition is taken up for final hearing.

3. The case of the petitioner is that her husband, namely, Jalajakumar was working as Special Sub Inspector of Police, Mondaikadu Police Station. While so, he died on 23.07.2014 leaving behind his first wife, who is the 2nd respondent and their children, namely, respondents 3 to 5 and a minor son, born out of the wedlock of the petitioner (2nd wife) and the deceased husband. After death of the petitioner's husband, the respondents 2 to 5 filed succession petition before the District Court, Nagercoil in SOP No.91/2016 against the petitioner, in which, a succession



W.P.(MD) No.4192 of 2020

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certificate has been issued in favour of the respondents 2 to 5 and the son of the petitioner through settlement dated 14.07.2018. As per the terms of settlement, respondents 2 to 5 agreed to pay a sum of Rs.5 lakhs to the petitioner. The fifth respondent has been nominated to receive the death benefits of the deceased husband. While so, even after the succession certificate, the first respondent has not taken any steps to disburse the death cum retirement benefits of the deceased employee. Therefore, the petitioner made representations on 03.12.2019 and 07.01.2020. Since no effective steps have been taken, the petitioner is before this Court with this writ petition.

4. The learned Additional Government Pleader would submit that if the petitioner and private respondents produce legal heir certificate and death certificate of the deceased employee, the case of the petitioner would be considered.

5. Considering the limited scope of the matter and without expressing any opinion with regard to the claim made by the petitioner, this



W.P.(MD) No.4192 of 2020

writ petition is disposed of in the following terms:

The first respondent, upon considering the succession certificate and after ascertaining the legal heirs of the deceased employee, shall consider the case of the petitioner and disburse the death cum retirement benefits to the eligible persons. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

No costs. Consequently connected Miscellaneous Petition is closed.

20.12.2022

Index : Yes/No

Internet : Yes

RR

To

1. The Superintendent of Police,
Kanyakumari District @ Nagercoil



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W.P.(MD) No.4192 of 2020

M.DHANDAPANI, J.

RR

W.P.(MD) No.4192 of 2020

20.12.2022