



W.P.(MD)No.7792 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.7792 of 2020
and
W.M.P(MD)No.7275 of 2020

Minor Alfred Kelvin

Represented by his mother and natural guardian,

A.Chitra @ Gracy

... Petitioner

Vs.

1.The Superintending Engineer,
Public Works Department (PWD) Water,
Resources Department (WRD),
Lower Cauvery Basin Circle,
Santha Pillai Gate,
Thanjavur, Thanjavur District.

2.The Executive Engineer,
Public Works Department (PWD) Water,
Resources Department (WRD),
Cauvery Basin Division,
M.K.M.Road, Thanjavur District.

3.The Chief Engineer, P.W.D., W.R.O.,
Trichy Region,
Pudukottai Road,
P.B.No.803, Subramaniapuram,
Tiruchirappalli - 620 020.



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4.The Assistant Executive Engineer,
Public Works Department (PWD) Water,
Resources Department (WRD),
River Conservancy Sub-Division,
Kumbakonam,
Thanjavur District.

5.Juliet

6.Minor Vendhan

(Minor 6th respondent represented by his mother
and guardian/5th respondent)

... Respondent

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4, to consider the representations of the petitioner, dated 19.04.2020, 18.06.2020 and 29.06.2020 and the legal notice sent to his lawyer and enquire into the matter and grant/disburse the death-cum-retirement benefit and family pension to the petitioner minor Alfred Kelvin and also to the respondents 5 & 6 in equal proportion as per law.

For Petitioner	: Mr.H.Lakshmi Shankar
For R-5	: Mr.M.R.Sreenivasan

ORDER

This writ petition has been filed for a direction to the respondents 1 to 4, to consider the representations of the petitioner, dated 19.04.2020, 18.06.2020 and 29.06.2020 and the legal notice sent to his lawyer and



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enquire into the matter and grant/disburse the death-cum-retirement benefit and family pension to the petitioner minor Alfred Kelvin and also to the respondents 5 & 6 in equal proportion as per law.

2. The petitioner is a minor. He is represented by his mother and natural guardian. The case of the petitioner is that the marriage of the petitioner's parents was solemnized on 18.06.2007. Due to some misunderstanding, the father of the petitioner, filed a divorce petition and obtained an ex-parte decree of divorce in the year 2010. Thereafter, he married the fifth respondent. Due to that wedlock, the sixth respondent was born. The petitioner's father was working in the Public Works Department. He died in harness on 31.03.2020.

3. The grievance of the petitioner is that he is also entitled to 1/3rd share in the death-cum-retirement benefits of his father and he is also entitled to family pension as he is a minor. In this regard, several representations have been made. However, till date no order was passed. Hence, the petitioner has filed this writ petition with the aforesaid prayer.



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4. The learned counsel appearing for the petitioner would submit that though the mother of the petitioner is not entitled to any benefit, in view of the ex-parte divorce decree passed, the petitioner minor son and the respondents 5 and 6, are equally entitled to share the terminal benefits among themselves and hence, it would suffice, if the respondents are directed to disburse the terminal benefits of the petitioner's father to the petitioner and the respondents 5 and 6, in equal proportion, within a stipulated time.

5. The learned counsel appearing for the fifth respondent has no serious objection for such an order being passed by this Court.

6. In view of the joint representation made by the learned counsel appearing for the petitioner and the learned counsel appearing for the fifth respondent, this Court passes the following order:

7. The respondents are directed to disburse the terminal benefits of the father of the petitioner, to the petitioner and the respondents 5 & 6,



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in equal proportion, within a period of six weeks from the date of receipt of a copy of this order and the respondents are directed to decide the entitlement of family pension and pass appropriate orders, within a period of six weeks.

8. With the above direction, this writ petition is disposed of.
No Costs. Consequently, connected miscellaneous petition is closed.

16.12.2022

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M.DHANDAPANI,J.

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