



W.P(MD)No.15868 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15868 of 2021

P.Chinnammal

... Petitioner

Vs.

1.The Assistant Accounts Officer/Pen.9,
Office of the Accountant General
(Accounts & Entitlements),
361, Anna Salai,
Chennai – 600 018.

2.The Director of Collegiate Education,
Directorate of Collegiate Education,
DPI Compound, College Road,
Nungampakkam, Chennai – 06.

3.The Regional Joint Director of College Education,
Office of the Regional Joint Director of College Education,
Madurai Region, Sellur,
Madurai District.

4.Alagu Jothi

5.The Commissioner,
Treasuries and Accounts,
CPS Section, Nandanam,
Chennai.

... Respondents

*(R5 is suo motu impleaded vide order dated
15.11.2022 in W.P.(MD)No.15868 of 2021 by
GRSJ)*



W.P(MD)No.15868 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to provide the eligible proportionate share of the retirement benefits to the petitioner in light of Section 19(2)(ii) of the All India Services (Death Cum Retirement Benefits) Rules, 1958 by considering the representation dated 04.08.2021 and 26.08.2021 made by the petitioner within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.N.Satheeskumar,
Addl. Govt. Pleader for R2, R3 & R5.
Mr.P.Gunasekaran for R1.
Mr.Ayyanar Premkumar for R4.

ORDER

Heard the learned counsel on either side.

2.One Veeriah passed away on 05.03.2021. He was employed as Assistant in the office of the second respondent. He died in harness. He left behind the writ petitioner (mother), Alagujothi (wife) and five year old child. The matter was referred to mediation and a compromise has been arrived at between the writ petitioner and the fourth respondent. The writ petitioner had made it clear that she has no objection for considering the request of the fourth



W.P(MD)No.15868 of 2021

respondent for compassionate appointment. Compromise memo has already been filed before medication centre.

3. Even though in the compromise memo arrived at between the parties, it is mentioned that 60% of the terminal benefits will be taken by the writ petitioner and 40% by the fourth respondent, the same cannot be approved straightaway. This is because the interest of a minor child is involved. It is the duty of the Court to ensure that the minor child's interest also duly taken care. When this was pointed out, the learned counsel for the writ petitioner states that the writ petitioner will confine her claim to 40%.

4. In view of the same, the writ petition is disposed of as follows:-

(a) The third respondent is directed to submit proposal for disbursement of the terminal benefits of the deceased employee/Veeriah. It shall be indicted therein that 40% of benefits will be payable to the writ petitioner (P.Chinnammal) and 30% is payable to the wife/fourth respondent/Alagu Jothi. In respect of remaining 30%, a fixed deposit will be created in the name of the child in a nationalized bank, the mother can be shown as the nominee and she can withdraw the accrued interest once in six months.



W.P(MD)No.15868 of 2021

WEB COPY

(b) The child on attaining the age of 19 years will be entitled to withdraw the amount deposited in his name (Yohith). No costs.

15.11.2022

Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The Director of Collegiate Education,
Directorate of Collegiate Education,
DPI Compound, College Road,
Nungampakkam, Chennai – 06.
- 2.The Regional Joint Director of College Education,
Office of the Regional Joint Director of College Education,
Madurai Region, Sellur,
Madurai District.
- 3.The Commissioner,
Treasuries and Accounts,
CPS Section, Nandanam,
Chennai.



WEB COPY



W.P(MD)No.15868 of 2021



WEB COPY



W.P(MD)No.15868 of 2021

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.15868 of 2021

15.11.2022
(3/3)