



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18865 of 2021

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P.T.Karthikeyan

... Petitioner

-vs-

1.The Commissioner of Municipal Administration
and Water Supply Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Theni District.

3.The Commissioner of Municipality,
Periyakulam Municipality,
Theni District.

4.Subalakshmi

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 herein to disburse the death-cum-terminal benefits accrued to the service of petitioner's father late P.Thangadurai, who died on 28.03.2009, with all arrears, pension, revised pension and arrears of pension payable to the family of deceased father of petitioner together with interest at 12%.

For Petitioner :	Mr.K.Appadurai
For RR1 & 2 :	Mr.D.Sadiq Raja, Additional Government Pleader
For R3 :	Mr.A.K.Manikkam
For R4 :	No appearance

O R D E R

The relief sought for in the present writ petition is to direct respondents 1 to 3 to disburse the death-cum-terminal benefits accrued to the services of the petitioner's father Late.V.Thangadurai, who died on 28.03.2009.

2.The case of the petitioner is that his father died while he was in service. The petitioner states that after the death of his mother, his deceased father married the 4th respondent, Tmt.Subalakshmi as his second wife, as the petitioner was a minor during the relevant point of time. The second wife also has a child and leaving behind the second wife, her minor daughter and the petitioner, the petitioner's father died on 28.03.2009.



3.The learned counsel for the petitioner made a submission that the terminal and pensionary benefits are yet to be settled.

4.The learned counsel for the 3rd respondent-Municipality made a submission that the authorities are ready to settle the terminal benefits, provided the legal heirs submit an appropriate application along with all relevant documents including the legal heir certificate.

5.In view of the fact that the deceased employee married the 4th respondent as his second wife, this Court is of the opinion that the authorities are bound to conduct an enquiry with reference to the validity of the second marriage and settle the terminal benefits in accordance with the rules in force. For the purpose of conducting an enquiry to ascertain the legality of the second marriage and other aspects, the petitioner has to submit an application along with all other legal heirs in a proper format claiming benefits. In such circumstances, the petitioner is at liberty to submit appropriate application along with all required documents and in the event of filing any such application, the 3rd respondent is directed to consider the same by conducting an enquiry and in accordance with the rules in force as expeditiously as possible.

6.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

abr

To

1.The Commissioner of Municipal Administration
and Water Supply Department,
Chepauk, Chennai - 600 005.

2.The District Collector,
Theni District.

3.The Commissioner of Municipality,
Periyakulam Municipality,
Theni District.

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+1 CC to M/s.SPL GP (SR-10619[F] dated 08/03/2022)

+1 CC to M/s.K.APPADURAI, Advocate (SR-10698[F] dated 08/03/2022)

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