



W.P.(MD).No.27829 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.27829 of 2022

S.Latha

... Petitioner

VS.

1.The Transport Commissioner,
Transport Commissioner Office,
Chennai 600 005.

2.The Regional Transport Officer,
Regional Transport Office,
Tenkasi,
Tenkasi District.

3.Mrs.J.Sheela

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's father deceased Selvaraj retirement benefits in petitioner's favour and to consider the petitioner's representation, dated 19.09.2022, within a stipulated time.



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For Petitioner : Mr.R.M.Suresh
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to release the petitioner's father's retirement benefits in favour of the petitioner and to consider the petitioner's representation, dated 19.09.2022.

2. By consent of both parties, the writ petition itself is taken up for final disposal at the admission stage.

3. The learned counsel appearing for the petitioner would submit that the petitioner's father viz., S.Selvaraj was working as Motor Vehicle Inspector in Puliyarai Check Post, Tenkasi District in the year 2004. He was subjected for disciplinary proceedings under Section 17(b) of Tamil Nadu Civil Service (D & A) Rules and disciplinary proceedings have been taken against him and he was placed under suspension from



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29.04.2004. While the disciplinary proceedings have been pending, he received the subsistence allowance from 29.04.2004 to 30.11.2021. Subsequently, on 30.11.2021, he was died. The petitioner's elder brother and his mother are died. The petitioner's younger brother S.Raja died leaving behind his wife, the third respondent herein and the children as his legal heirs. Hence, the petitioner has made a representation to the second respondent on 19.09.2022, to release his father's retirement benefit in his favour and the third respondent has also made a representation dated 12.09.2022, to the second respondent to disburse the retirement benefit in her favour. Since the same was not considered, the petitioner has filed the present writ petition.

4. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the petitioner is the direct legal heir of the deceased, whereas the third respondent is the direct legal heir's wife and both are entitled for receiving the terminal benefits. Further, the third respondent has also made an application before the competent authority for disbursement of terminal benefits.



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5. Heard the leaned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

6. Since no adverse order is going to be passed against the third respondent, notice to the third respondent is dispensed with.

7. Considering the above said submissions, this Court, without going into the merits of the matter, directs the first respondent to consider the representations of the petitioner as well as the third respondent dated 12.09.2022 and 19.09.2022 and pass appropriate orders, for disbursement of terminal benefits of the father-in-law of the third respondent and the father of the petitioner, after hearing the petitioner as well as the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order, in terms of the Service Rules.

8. With the above direction, this Writ Petition is disposed of. No costs.

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To

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- 2.The Regional Transport Officer,
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M.DHANDAPANI,J.

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