



W.P.No.6178 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.6178 of 2021
and W.M.P.No.6802 of 2021

Ravanamma

... Petitioner

Vs.

1.The Commissioner,
Corporation of Chennai,
Chennai.

2.The Deputy Collector (Admin),
Regional Deputy Commissioner Office (North),
No.62, Basin Bridge Road,
Old Washermenpet, Chennai – 600 021.

3.The Zonal Officer,
Zone-5, (Royapuram),
No.62, Basin Bridge Road,
Old washermenpet, Chennai-600021.

4.The Zonal Officer,
Zone-6, Ayanavaram,
Chennai – 600 023.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order passed by the third respondent made in Ma.A.5.Su.Thu/Na.Ka.No./A2/878/2019 dated 22.08.2019 and quash the



W.P.No.6178 of 2021

same and further directing the respondents to consider the claim of the petitioner for the compassionate appointment and for her husband PF and death benefits and other benefits.

For Petitioner : Mr.D.S.Ramesh

For Respondents : Mr.S.Gopinathan,
Standing Counsel

ORDER

The relief sought by the petitioner in this writ petition is to calling for the records relating to the order passed by the third respondent made in Ma.A.5.Su.Thu/Na.Ka.No./A2/878/2019 dated 22.08.2019 and quash the same and further directing the respondents to consider the claim of the petitioner for the compassionate appointment and for her husband PF and death benefits and other benefits.

2. The case of the petitioner is that the petitioner's husband viz., Joseph has worked in the Corporation of Chennai as a Watchman in the year 1984. While in service, her husband was died due to illness on 08.03.2015. Hence, she gave a representation dated 28.10.2015 to the first respondent seeking pension and death benefits of her husband and also sought for



compassionate appointment for her son Prabhudoss. Pursuant to the same, she received a letter from the fourth respondent that her representation was sent to third respondent for appropriate action. She also gave a letter dated 09.03.2015 to the fourth respondent seeking funeral advance to conduct the last rites of her husband. However, the same was not considered and rejected by the fourth respondent.

2.2. This being so, she has sent another representation dated 01.04.2019 to the respondents stating that her son Prabhudoss also died on 31.07.2018 and requested to give a job to her another son viz., Babu on compassionate appointment and sought for PF and other death benefits. Pursuant to the same, the third respondent sent a letter dated 22.08.2019 stating that they have not received the files of her husband Joseph and hence, they are not able to take action against her claim with regard to PF and death benefits. Aggrieved over the said letter dated 22.08.2019, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that it would suffice, if



this Court issues a direction to the respondents to settle the PF, death benefits and other benefits of petitioner's late husband within a time frame to be fixed by this Court.

4. Learned Standing Counsel appearing for the respondent has filed a counter affidavit dated 23.11.2021. For better appreciation, the relevant paragraphs are extracted hereunder:

"6. It is pertinent during the end of 2011, the Chennai Corporation limits have been expanded by inducting certain Municipalities and Municipal Corporation of Thiruvallur and Kanchipuram Districts. At the time, a portion of old Zone-III and a portion of old Zone-IV have been merged and formed as New Zone VI. At that time the records pertaining to the petitioner's husband have not been handed over the present Zone-VI. Inspite of thorough search made, the S.R. and other records of the petitioner's husband are not traceable and then certain data have been collected from EDP Cell. From the date furnished by the EDP Cell, it is learnt that the petitioner's husband was entertained in Chennai Corporation as labour on 01.12.1984. His date of birth was 01.07.1953 and date of retirement was 30.06.2013. As per the report of Medical Officer of Pulianthope, T.B.Hospital, who is the officer in-charge of the Institution in her report has stated that the petitioner's husband joined duty in the Pulianthope, T.B.Hospital on 21.06.2001. Subsequently, he was on unauthorized absent from March 2002



onwards. He did not joined duty thereafter and reported that he died on 08.03.2015. As no records in respect of the petitioner's husband available, the Zonal Health Officer V has sent letter to Zonal Health Officer VI with a copy to the petitioner in letter Z.O.V H.D.C.No.A2/878/19 dated 22.08.2019.

8. The petitioner's request for the settlement of death benefits is being examined and the details regarding the departments in which he worked and No. of days present and earnings and deductions are being collected after getting details of the earnings and recoveries towards the PF and other details, the death benefits will be settled."

5. Heard the learned counsel on either side and perused the materials available on record.

6. Even though the petition has been filed for the compassionate appointment, PF, death benefits and other benefits, learned counsel for the petitioner is canvased only on the second limb of the prayer i.e., PF, death benefits and other benefits payable to the petitioner's late husband.

7. In view of the limited relief sought for by the learned counsel for the petitioner, this Court directs the first respondent to settle the PF, death



W.P.No.6178 of 2021

benefits and other benefits of the petitioner's late husband, which he is entitled as per the law in force, within a period of three months from the date of receipt of a copy of this order.

8. This writ petition stands disposed of with the aforesaid direction and observation. No costs. Consequently, connected miscellaneous petition is closed.

26.09.2023

vm

Index : Yes/No

Speaking Order : Yes/No

To:

- 1.The Commissioner,
Corporation of Chennai,
Chennai.
- 2.The Deputy Collector (Admin),
Regional Deputy Commissioner Office (North),
No.62, Basin Bridge Road,
Old Washermenpet, Chennai – 600 021.

Page No.6 of 8



W.P.No.6178 of 2021

3.The Zonal Officer,
Zone-5, (Royapuram),
No.62, Basin Bridge Road,
Old washermenpet, Chennai-600021.

4.The Zonal Officer,
Zone-6, Ayanavaram,
Chennai – 600 023.

J.SATHYA NARAYANA PRASAD,J.

vm

W.P.No.6178 of 2021



WEB COPY



W.P.No.6178 of 2021

26.09.2023