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W.P. No. 6124 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 6124 of 2023

Priya @ Vishnupriya

... Petitioner

-VS-

1. The Director
Medical College,
Directorate,
Kilpauk,
Chennai – 600 010.

2. The Dean
Chennai Medical College,
Chennai – 600003.

3. The Tamil Nadu Government Secretary,
Hygienic Department,
New George Town,
Chennai – 600009.

4. Saravanan
(R4 is impleaded vide order dated 09.03.2023
in W.M.P. No. 7731 of 2023)

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider and dispose of the pending Representation dated 19.08.2022 seeking to give the appropriate shares on the petitioner's mother's retirement benefits and death benefits within a stipulated time.



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For Petitioner : Mr. M.Velmurugan
For Respondents : Mr. K. Karthick Jeganath
Government Advocate
(R1 to R3)

ORDER

Heard Mr. M.Velmurugan, Learned Counsel for the Petitioner and Mr. K.Karthick Jeganath, Learned Government Advocate appearing for the First to Third Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Notice to the Fourth Respondent is dispensed with, in view of the order proposed to be passed which does not cause any prejudice.

3. It is the case of the Petitioner that she is the adopted daughter of one Valli who was working as Nursing Superintendent Grade-III in Madras Medical College, Chennai and had retired from service on 30.11.2005. Though the suit in O.S. No. 1924 of 2012 filed by the Petitioner and one Saravanan as adopted children of the said Valli had been dismissed by the judgment dated 06.04.2013 by VI Assistant Judge, City Civil Court, Chennai, the same was set aside in



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appeal by judgment dated 19.02.2015 in A.S. No. 283 of 2013 passed by the III

Additional Judge, City Civil Court, Chennai and the Petitioner was held entitled to receive her share of the terminal benefits of the said Valli. Since the representation dated 19.08.2022 made by the Petitioner to the Respondents to disburse her share of the terminal benefits of the said Valli on the basis of the aforesaid determination made by the City Civil Court did not evoke any response, she has filed this Writ Petition.

4. Having regard to the limited nature of relief sought, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 19.08.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal



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hearing to the Petitioner and all other persons concerned to explain their

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- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

09.03.2023

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 02.06.2023.



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To

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1. The Director
Medical College,
Directorate,
Kilpauk,
Chennai – 600 010.
2. The Dean
Chennai Medical College,
Chennai – 600003.
3. The Tamil Nadu Government Secretary,
Hygienic Department,
New George Town,
Chennai – 600009.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Mr. Saravanan
251 A, Kasthuribai Street,
Suthana Nagar, Extension – 2,
Nainar Mandabam,
Puducherry – 605 004.



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P.D. AUDIKESAVALU, J.

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Dated : 09.03.2023