



W.P.No.29664 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29664 of 2012 and
MP.No.1 of 2012

M.Manikandan

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Ariyalur District

2.The Backward Minorities
Welfare Office,
Ariyalur District

3.M.Devaki

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the second respondent to consider the representation dated 24.09.2012.

For Petitioner : Mr.J.Sudhakaran

For Respondents

For R1 & 2 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R3 : Mr.S.Mothilal
for M/s.Mothilal, Goda & Kalliat

ORDER

This writ petition has been filed for direction to the second respondent to disburse terminal benefits of his deceased father.



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2. His father was employed as Cook in the Government Backward class Students Hostel in Ariyalur. While he was in service, he died on 31.10.2006 due to his illness leaving behind the petitioner and his sister. However, he had illicit relationship with the third respondent and gave birth to two children. After his demise, the petitioner had applied for retirement benefit due to be paid to his family on the demise of his father. However, it was opposed by the third respondent. The petitioner also obtained legal heirship certificate from the authority concerned. On the strength of the legal heirship certificate, the petitioner requested the second respondent to disburse the terminal benefits of his demised father. However, it was not considered and as such, the petitioner was constrained to approach this court in WP.No.26468 of 2007. While pending the writ petition, the matter was referred before mediation and before mediation, all the legal heirs agreed to receive the terminal benefits equally. Accordingly, by an order dated 27.11.2008, this Court directed the respondent concerned to disburse the terminal benefits as per the legal heirship certificate within a period of twelve weeks. However, even till today, the second respondent failed to disburse



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any terminal benefits.

3. Considering the above facts and circumstances, the second respondent is directed to disburse the terminal benefits of the petitioner's demised father to the legal heirs as directed by this Court in WP.No.26468 of 2007 dated 27.11.2008 forthwith, if not already disbursed. It is made clear that all the legal heirs are entitled to have equal share from all the benefits of their demised father with applicable interest.

4. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

22.08.2023

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
lok



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G.K.ILANTHIRAIYAN, J.

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To

- 1.The District Collector,
District Collector Office,
Ariyalur District
- 2.The Backward Minorities
Welfare Office,
Ariyalur District
3. The Public Prosecutor,
High Court, Madras.

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