



W.P. No. 7579 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

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

W.P. No. 7579 of 2023

S.Ajithkumar

... Petitioner

-VS-

1.The Commissioner,
Corporation of Chennai,
Chennai – 600 003.

2.The Zonal Officer,
Zone – VI
Corporation of Chennai,
Chennai – 600 012.

3.The Assistant Executive Engineer,
Division – 15, Zone – VI,
Corporation of Chennai,
Chennai – 600 023.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call for the entire records on the file of the 2nd respondent herein relating to the 2nd respondent's impugned order dated 21.01.2022 vide *ம.அ.6.ந.க.எண்.அ7/281/2022* on the file of the 2nd respondent herein i.e. the rejection order for terminal benefits and compassionate appointment in service and consequently direct the 2nd respondent herein to provide terminal benefits of the deceased employee S.Andal and compassionate appointment to the petitioner herein.

For Petitioner : Mr. B.Ganesha Moorthy

For Respondents : Mr. S.Gopinathan



W.P. No. 7579 of 2023

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ORDER

Heard Mr. B.Ganesha Moorthy, Learned Counsel for the Petitioner and Mr. S.Gopinathan, Learned Standing Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner claims to be the brother's son of one S.Andal, who died on 13.11.2006, while she was working as Sanitary Worker in the services of the Respondents. According to the Petitioner, the said S.Andal was unmarried and her terminal benefits have not been paid by the Respondents. When the Petitioner staked his claim to receive the same as her legal representative, it was rejected by the Second Respondent by Proceedings in Ma.A.6.Na.Ka.No.A7/281/2022 dated 21.01.2022 stating that the Petitioner would have to produce the Succession Certificate of the said S.Andal in proof of the claim made by him in that regard. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the said order and has sought for consequential directions to make payment of the unpaid terminal benefits of the said S. Andal and grant Compassionate Appointment to him.



W.P. No. 7579 of 2023

3. During the earlier hearing on 13.03.2023, it was pointed out by this Court that in the absence of production of Succession Certificate by the Petitioner, which would conclusively determine the entitlement of the eligible persons to receive the terminal benefits of the said S.Andal, the Respondents could not be faulted in refusing to pay the same, as otherwise it would unwittingly expose the Respondents to face demands from rival claimants in future, which would have to be averted in the larger interest of the Respondents. In that backdrop, Learned Counsel for the Petitioner sought time to file necessary application for Succession Certificate before the concerned Court and the matter was adjourned to 13.04.2023.

4. When the case is taken up for hearing today, Learned Counsel for the Petitioner candidly accepts that no effort has been taken by the Petitioner to file any application for Succession Certificate in the concerned Court till date. In such circumstances, this Court is not able to see any justification to entertain this Writ Petition, but it would not preclude the Petitioner from making necessary application to obtain Succession Certificate from the concerned Court and work out his remedies thereafter in the manner recognized by law.



W.P. No. 7579 of 2023

In the result, the Writ Petition is dismissed with the aforesaid clarifications. No costs.

13.04.2023

sgl

Index: Yes/No

Note: Issue order copy by 31.07.2023.

To

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W.P. No. 7579 of 2023

P.D. AUDIKESAVALU, J.

sgl

W.P. No. 7579 of 2023

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