



W.P.Nos.26613 & 26614 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2023

CORAM:

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

W.P.Nos.26613 & 26614 of 2014
and M.P.No.1 of 2014

1. G.Saraswathy @ Palaniammal
2. G.Balasubramaniam

...Petitioners in both
W.Ps.

-Vs-

1. The Principal Chief Conservator,
of Forests (Head of Force),
Panagal Buildings,
No.1, Jeenias Road,
Saidapet,
Chennai – 600 015.
2. The Conservator of Forest,
Erode District,
Erode.
3. The District Forest Officer
as the Deputy Director,
Tiger's Reserve Aganoor,
Sathamangalam,
Erode District.
4. Minor Hemamalini
rep. by her guardian Chitra

4. Chitra

... Respondents in
both W.Ps.



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Prayer in W.P.No.26613 of 2014 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 20.08.2014 bearing Na.Ka.No.B/3909/2010 passed by the third respondent herein and quash the same and consequently directing the respondents herein to pay all the monetry benefits under various heads accrued on death of late Govindaraj, who was working in the office of the third respondent under the control of first and second respondents based on the representation dated 21.07.2014 made to respondents 1 to 3 herein and for any other relief.

Prayer in W.P.No.26614 of 2014 : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 20.08.2014 bearing Na.Ka.No.B/3909/2010 passed by the third respondent herein and quash the same and consequently directing the respondents 1 to 3 herein to appoint the second petitioner as the Junior Assistant in third respondent office on compassionate grounds based on the representation dated 21.03.2014 made to the third respondent herein and for any relief.

In both W.Ps.

For Petitioners	: Mr.S.Nedunchezhiyan for Mr.S.Sarath Chandran
For Respondents	
For R1 to R3	: Mr.V.Veluchamy Additional Government Pleader
For R4 & R5	: No appearance

COMMON ORDER



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Both the writ petitions have been filed challenging the order dated 20.08.2014 passed by the third respondent in Na.Ka. No.B/3909/2010, thereby rejecting the request made by the petitioners for granting terminal benefits, family pension etc., and also refused to appoint the second petitioner as the Junior Assistant in third respondent office on compassionate grounds in lieu of death of the first petitioner's husband.

2. The first petitioner's husband, while he was working as Junior Assistant in the office of the third respondent, died due to heart attack on 24.06.2010, leaving behind the first petitioner and her three sons as his legal heirs. The fifth respondent herein also claimed to be the wife of the first petitioner's husband. Therefore, the first petitioner filed suit for declaration in O.S.No.31 of 2011 on the file of the District Munsif Court, Rasipuram, to declare her as legally wedded wife. It was decreed by the judgment and decree dated 20.06.2013. The fifth respondent also filed suit for declaration in O.S.No.4 of 2011 on the file of the Sub Court, Mettur and the same is pending. In the mean time, the representation submitted by the petitioners for disbursement of terminal benefits, family pension etc., and for appointment on compassionate ground, was



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rejected. Hence, the petitioners filed these writ petitions.

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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter affidavit filed by the third respondent revealed that the deceased husband of the first petitioner nominated the first petitioner and her three sons as his legal heirs in the service register in order to get benefits in lieu of his death. However, the petitioners failed to submit any application for disbursement of terminal benefits and pensionary benefits along with death certificate and legal heir certificate. More over, the fifth respondent also claimed herself as the wife of the deceased employee and filed suit for declaration in O.S.No.4 of 2011 on the file of the Sub Court, Mettur and the same is pending.

5. Now the first petitioner obtained decree in O.S.No.31 of 2011, as she is the legally wedded wife of her deceased husband V.Govindaraj. Though the fifth respondent also filed suit, it is pending in



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O.S.No.4 of 2011 on the file of the Sub Court, Mettur. That apart, the first petitioner's husband nominated the first petitioner and her sons to receive all benefits on his demise. Therefore, the petitioners are entitled to receive the terminal benefits and pensionary benefits. Further, as per the decree in O.S.No.31 of 2011, the first petitioner is declared as legally wedded wife of her deceased husband and therefore she is entitled for family pension and also arrears of family pension, if any.

6. Accordingly, insofar the Writ Petition in W.P.No.26613 of 2014 is concerned, the impugned order dated 20.08.2014 passed by the third respondent in Na.Ka. No.B/3909/2010, is hereby set aside. The first petitioner is directed to submit a fresh representation along with death certificate of her husband, legal heir certificate and decree and judgment passed in O.S.No.31 of 2011, on the file of the District Munsif Court, Rasipuram, before the third respondent within a period of two weeks from the date of receipt of a copy of this Order. On receipt of the same, the third respondent is directed to claim all the benefits before the authority concerned and disburse the same to the petitioners and other legal heirs within a period of twelve weeks thereafter.



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7. Insofar as the prayer sought for in the writ petition in W.P.No.26614 of 2014 is concerned, after the period of 13 years from the date of demise of the employee viz., V.Govindaraj, an appointment cannot be considered on compassionate ground. Therefore, the request of the petitioners to appoint the second petitioner on compassionate ground cannot be considered. Hence, this Court is not inclined to grant the consequential prayer of compassionate ground appointment.

8. Accordingly, the writ petition in W.P.No.26613 of 2014 stands allowed and the writ petition in W.P.No.26614 of 2014 stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to cost.

28.07.2023

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts

To

1. The Principal Chief Conservator,
of Forests (Head of Force),
Panagal Buildings,
No.1, Jeenias Road,
Saidapet,
Chennai – 600 015.



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2. The Conservator of Forest,
Erode District,
Erode.

3. The District Forest Officer
as the Deputy Director,
Tiger's Reserve Aganoor,
Sathamangalam,
Erode District.



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G.K.ILANTHIRAIYAN. J.

rts

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