



W.P.No.793 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.793 of 2021

Mrs.Suseela Anbumani

... Petitioner

Vs.

1.The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai 600 001.

2.The Manager,
Tamil Nadu Co-operative Society,
Chennai Port Trust, X-31,
Old No.37-B, New No.110,
Sembudoss Street, Chennai 600 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 11.10.2020 requesting to disburse the Surety Relief Fund and Family Welfare Fund pending with 2nd respondent herein.

For Petitioner : Mr.R.Abdul Mubeen for
Mr.S.Mothilal Nehru

For Respondents : Mr.Haja Mohideen Gisthi for R1
Mr.L.P.Shanmugasundaram for R2

ORDER



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This Writ Petition has been filed seeking issuance of Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 11.10.2020 requesting to disburse the Surety Relief Fund and Family Welfare Fund pending with 2nd respondent herein.

2. Heard Mr.R.Abdul Mubeen, learned counsel for the petitioner and Mr.Haja Mohideen Gisthi, learned counsel for R1 and Mr.L.P.Shanmugasundaram, learned counsel for R2.

3. The petitioner is the sister of deceased Karunakaran who was employed as Technician in the Chennai Port Trust (TN.No.5742, Tech (M) Gr-1). While in service, he died on 24.08.2014 due to his breathing illness. Karunakaran was unmarried and his parents also predeceased him. He also had one more brother by name Lingeshwaran who also predeceased him. As on date when Karunakaran died, the petitioner alone was the sole class - II legal heir of the deceased Karunakaran. The petitioner's name has been given as nominee in all official records of the deceased Karunakaran. Despite the respondents have disbursed a part of



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terminal benefits, Surety Relief Fund and Family Welfare Fund were not given to the petitioner so far. Hence the petitioner has filed this Writ Petition seeking the above prayer.

4. The second respondent has filed his counter by stating that the petitioner has not produced the required legal heirship certificate, despite she was required to produce. Only if the legal heirship certificate is produced by the petitioner, the second respondent can disburse the above said amount.

5. It is seen from the General Provident Fund Account, the deceased Karunakaran has nominated the petitioner as his nominee. If the deceased Karunakaran has nominated the petitioner alone to receive Surety Relief Fund and Family Welfare Fund, there would not have been any difficulty for the second respondent to disburse it to the petitioner without hesitation. If such nomination is not made, the petitioner is required to get necessary legal heir certificate or succession certificate as per the demands of the second respondent and furnish the same to the



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second respondent to get the said benefits.

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6. With the above observation, this Writ Petition is disposed and the petitioner is directed to get necessary legal heirship certificate or succession certificate and furnish the same to the second respondent to get the said benefits. No costs.

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Internet : Yes/No

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R.N.MANJULA, J.

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