



W.P.(MD)No.3007 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.3007 of 2023

M.Kasimayan

... Petitioner

Vs.

1.The Secretary
Tamil Nadu Sales Tax Appellate Tribunal/
(Additional Bench),
Commercial Tax Buildings,
Dr.Thangaraj Salai,
Madurai-625 020.

2.The Pay and Account Officer,
O/o.Pay and Account Office,
TPK Road, Madurai Main,
Madurai District.

3.Mahamayee

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 30.01.2023 in accordance with law within the time stipulated by this Court.



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For Petitioner : Mr.Babu Rajendran

For Respondent : Mr.G.V.Vairom Santhosh

Additional Government Pleader

ORDER

This writ petition has been filed for a direction to the first respondent to consider the representation of the petitioner dated 30.01.2023 in accordance with law within the time stipulated by this Court.

2. The case of the petitioner is that the the petitioner's father namely Mayee was working as Office Assistant under the first respondent and he died on 11.11.2019 leaving behind the petitioner as his first wife's son and the third respondent/the second wife, her children namely Virumandi and Mahalakshmi as his legal heirs. Thereafter, there was a family arrangement that the petitioner is allowed to get the compassionate appointment and the other legal heirs are allowed to get the death cum retirement benefit of his father. While so, the first respondent has sent a letter to the second respondent on 18.04.2022, stating that the death cum retirement benefit of the petitioner's father is to



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be given to the other legal heirs, after retaining the petitioner's share. The third respondent and her legal heirs have obtained their respective shares. But, the petitioner's share amount was not released by the first respondent. Further, the first respondent is taking steps to appoint the third respondent under the compassionate appointment, despite the objection has been made by the petitioner. Hence, the petitioner has sent a representation to the respondents 1 and 2 on 30.01.2023. But, till date, no order was passed. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the respondents are directed to dispose of the representation of the petitioner, dated 30.01.2023, on merits and in accordance with law, within a specified period.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 has no serious objection for such an order being passed by this Court.



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5. Since no adverse order has been passed against the third respondent, notice to the third respondent is dispensed with.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to conduct enquiry between the petitioner and the third respondent and pass appropriate orders on merits and in accordance with law, on the representation of the petitioner, dated 30.01.2023, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

15.02.2023

ssb
NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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To

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M.DHANDAPANI,J.

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