



W.P.(MD) No.4792 of 2020 and

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.4792 of 2020 and
WMP(MD) No.4160 of 2020

(*)D.Premeela

... Petitioner

-VS-

The Commissioner,
Department of Municipal Administration
And Water Supply
Trichirappalli Corporation,
Trichy District.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders Na.Ka.No.4026/2016/C6 (maiya) dated 03.06.2019 on the file of the respondent and quash the same as illegal and consequently directing the respondent to disburse the death and pensionary benefits within the stipulated time fixed by this Court in respect of Maria Joseph Jerald (deceased) who works as an office assistant and watchman in Trichirappalli Corporation based on the representation dated 11.06.2019.



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For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.R.Baskaran

Standing counsel

ORDER

The writ petition has been filed challenging the impugned order of the respondent dated 03.06.2019 and for a direction to the respondent to disburse the death and pensionary benefits in respect of Maria Joseph Jerald (deceased), who works as an Office Assistant and watchman in Trichirappalli Corporation based on the representation dated 11.06.2019.

2. The case of the petitioner is that her brother Mariya Joseph Jerald, who was working as Office Assistant in the respondent Corporation, died, while he was in service, on 14.05.2016. Since her brother is unmarried, the petitioner herein is the nominee and hence, on that score, the petitioner made a representation to the respondent to disburse the terminal and retirement benefits in her favour. However, the said representation was rejected and therefore, the petitioner is before this Court with this petition.



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3. The learned counsel for the petitioner would submit that since the petitioner is the only legal heir of the deceased brother, she filed a suit in O.S.No.958/2017 and a legal heirship certificate was also issued to the petitioner on 06.01.2018 and therefore, the petitioner is entitled to the death cum retirement benefits and hence, the impugned order of rejection passed by the respondent is not sustainable one and interference is warranted to the impugned order.

4. The learned standing counsel appearing for the respondent would submit that though the petitioner claims that she is entitled to receive the death cum retirement benefits, she has not established that she is the only legal heir of her brother. If she establishes that she is the only legal heir, then the death benefits would be settled in her favour.

5. Considering the submission made by the learned standing counsel, this Court is inclined to pass the following order:

The impugned order passed by the respondent is set aside. The respondent is directed to disburse the terminal benefits to the petitioner with applicable interest, upon satisfaction that the petitioner is the only legal heir of the deceased employee,



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within a period of six weeks from the date of receipt of a copy of this order.

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Accordingly, this writ petition is allowed. No costs. Consequently connected

Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

(*)Corrected / Ammended as per the order of this Hon'ble Court dated 28.06.2024 made in WMP(MD)No.11171 of 2024 in W.P.(MD) No.4792 of 2020

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/09/2024

Sub Assistant Registrar(CS)

RR

To

(*) To be Substituted to the order already despatched on 20/02/2023

The Commissioner,

Department of Municipal Administration

And Water Supply

Trichirappalli Corporation,

Trichy District.



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+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-30897[F] dated 01/07/2024)

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09.01.2023

SI(15.02.2023) 5P 3C

RD(06/09/2024) 5P / 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.