



W.P(MD)No.5827 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5827 of 2023

Rajeswari

... Petitioner

Vs.

1.The Dean,
Government Rajaji Hospital,
Goripalayam, Madurai City.

2.Jeyabharathi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to disburse the terminal benefit of petitioner's son namely Karthick, S/o. Govindaraman (CPS No.7227202/MEDC, Causality Department) to the petitioner on the basis of the representation dated 05.12.2022 at the earliest within the time period stipulated by this Court.



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For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader for R1.
Mr.S.Vishnuvaradhan for R2.

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ORDER

Heard the learned counsel on either side.

2.The petitioner's son Dr.Karthick was employed in the first respondent Government hospital. He passed away on 31.01.2022. Dr.Karthick was wedded to the second respondent herein and a girl child was also born through the wedlock. The petitioner and the second respondent are not seeing eye to eye. Therefore, the terminal benefits could not be dispersed. The petitioner has filed this writ petition seeking her share in the terminal benefits.

3.The respondents have filed counter affidavit and Paragraphs Nos.14 and 20 of the counter affidavit read as follows:-

“Because of their continuous representations to claim Dr.Karthick's death benefits, a Legal opinion also requested from Government Pleader for solid clarity to settle the



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benefits and he opined 28.10.2022 to apportion the benefit in the ratio of 33% to the petitioner and 67% to the wife and daughter of deceased.

20.It is submitted that, during the above steps taken to settle all the benefits, such as:

Family Security Fund : Rs.5,00,000/-

His available eligible Earn Leave 44 EL, Un Earned Leave on private afferious (1-10 years below – 90 days, over 10 years – 180 days.)

CPS amount in approximately around Rs.10,41,394/- and apportioned it by the ration opined by Government Pleader as 33 and 67 percentage to petitioner and wife of deceased Dr.Karthick respectively, this case was filed before this Hon'ble Court.”

4.The stand taken by the first respondent is correct. The terminal benefits of the deceased Karthick will be dispersed to the legal heirs in the ratio mentioned by them. The petitioner will get her 1/3rd share in the terminal benefits within a period of eight weeks from the date of receipt of a copy of this order. Even while settling the petitioner's 1/3rd share, the second respondent's share will be parallelly settled. The 1/3rd share payable to the minor child will be kept in fixed deposit and the second



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respondent can withdraw the accrued interest once in six months. The minor can withdraw the fixed deposit amount after she crosses the age of 19 years.

5.This writ petition is allowed accordingly. No costs.

18.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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