



W.P.(MD)No.10840 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10840 of 2020

P.Veluchamy

... Petitioner

Vs.

1.The Director cum Group Directorate,
Integrated Child Development Program,
Tharamani,
Chennai-600 113.

2.District Planning Officer,
Virudhunagar District,
Virudhunagar.

3.Child Development Program Officer,
Srivilliputtur Division,
Manjapoo Street,
Srivilliputtur-626 125.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Rc.No.6/2016 dated 04.06.2019 on the file of the third respondent herein and to quash the same and direct the



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respondents to pay the petitioner all those monetary benefits payable to the deceased P.Lakshmi, the Anganwadi Worker under the Tamil Nadu Government Servants Family Security Fund Scheme within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Jessi Jeeva Priya

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the proceedings in Rc.No.6/2016 dated 04.06.2019 on the file of the third respondent herein, quash the same and direct the respondents to pay the petitioner all those monetary benefits payable to the deceased P.Lakshmi, the Anganwadi Worker under the Tamil Nadu Government Servants Family Security Fund Scheme within a time frame as may be fixed by this Court.

2. The case of the petitioner is that the petitioner is the brother of one P.Lakshmi. The said Lakshmi was serving as Anganwadi



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Worker in Kolurpatti Centre in the office of the third respondent. During her lifetime, she remained as a Spinster and when she was under the employment of the respondents, due to her ill-health, she passed away on 01.11.2015. Since there is no other legal heir to his sister, she executed a Will, dated 05.02.2007 in favour of the petitioner and registered the same as Document No.12/BK3/2007, on the file of the Sub-Registrar, Srivilliputtur. She was a member in the Tamil Nadu Government Servants Family Security Fund Scheme and she was contributing to the said Scheme till the date of her death and she has nominated the petitioner as her nominee. As per the said scheme, she was paying her contribution of a sum of Rs.20/- per month. Therefore, the nominee would be entitled to get a sum of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with effect from 01.02.2006, after the deduction of any advance drawn towards funeral, in terms of the said scheme. The petitioner has applied for Legal Heir Certificate to the Tahsildar, Srivilliputtur Taluk, and the Tahsildar, by proceedings, dated 29.12.2015, declined to grant the Certificate to the petitioner. Hence, the petitioner has filed a suit in O.S.No.93 of 2016 on the file of the Additional District Munsif,



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Srivilliputtur, to declare the petitioner as the legal heir of the said Lakshmi to receive the benefits. Thereafter, the matter was referred to Virudhunagar District, Legal Services Authority and as the defendants did not dispute the petitioner's status as the only brother to his deceased sister, namely, P.Lakshmi, there was an endorsement admitting his blood relationship with his sister, namely, P.Lakshmi. Accordingly, an award was passed on 04.07.2017. Thereafter, the petitioner has applied to the third respondent for disbursement of the benefits accrued to him. Subsequently, the petitioner was paid a sum of Rs.7,737/- through Electronic Clearing Service. However, the third respondent has rejected the application by stating that appropriate clarifications are sought for from the second respondent regarding the payment in the event that there was no nomination by an employee as to whether the amounts could be paid over to her married brother. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the only legal heir of the deceased employee which



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was confirmed by the Legal Services Authority and in the absence of any rival claim, the respondents have withheld the benefits of her sister which is not sustainable one. Accordingly, he prays for allowing the present writ petition.

4. Per contra, the learned Government Advocate appearing for the respondents would submit that the petitioner herein has sought for payment of lump sum amount of Family Benefit Fund by enclosing the award passed by the Lok Adalat. His request is contrary to the order passed by the trial Court and is against the guidelines issued by the Government of Tamil Nadu and the order of nomination will be father/mother/brothers and step brothers, who are below 18 years. In the award, there is no specific mention about the entitlement of the petitioner to receive the lump sum amount. Hence, a clarification was sought for from the District Legal Services Authority, Srivilliputhur and the 1st respondent. In the meanwhile, the petitioner herein has come out with the present writ petition.



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5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner is the brother of one Lakshmi, who was working as Anganwadi worker. The grievance of the petitioner is that the benefits of his sister was not given to the petitioner on the ground that he has not produced the Legal Heir Certificate, for which, the petitioner has obtained a decree by impleading the Revenue Officials as parties in O.S.No.93 of 2016. However, the Revenue Officials have not appeared before the Court. The learned trial Judge declared the petitioner as the legal heir of the deceased employee. Hence, the impugned order passed by the third respondent is not sustainable one. Therefore, this Court is inclined to quash the impugned order passed by the third respondent in Rc.No.6/2016 dated 04.06.2019 and direct the respondents to settle the entire benefits of his sister, namely, P.Lakshmi to the petitioner within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.



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7. Accordingly, this Writ Petition is allowed. No costs.

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ssb

NCS:Yes/No

Index:Yes/No

Internet:Yes/No

To

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2.District Planning Officer,
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M.DHANDAPANI,J.

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