



W.P.(MD) No.9467 of 2020

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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.9467 of 2020

M.Kirubanandam

... Petitioner

-VS-

1.The Director
Urban Development and Panchayatraj
Panagal Palace, Saidapet
Chennai 600 015.

2.The District Collector,
Thanjavur District,
Thanjavur.

3.The Block Development Officer
Thanjavur District,
Thanjavur.

4.The Commissioner
Office of the Union Panchayat
Budaloor Panchayat, Budaloor
Thanjavur District.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 4th respondent to grant all the monetary benefits to petitioner for the death of petitioner's mother late P.Jayalakshmi, W/o.Mahalingam Maternity Aaya with interest from 25.06.1985 to till date of payment along with arrears of family pension



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payable to petitioner's father from 25.06.1985 to July 1986 till petitioner's father re-marriage by considering petitioner's representation dated 15.07.2020 within the period as stipulated by this Court.

For Petitioner :Mr.A.HajaMohideen

For Respondents :Mr.G.V.Vairam Santhosh for R1 to R3
Additional Government Pleader

Mr.A.K.Manikkam for R4

ORDER

This writ petition has been filed for a direction to the 4th respondent to grant all the monetary benefits to petitioner for the death of his mother late P.Jayalakshmi, W/o.Mahalingam Maternity Aaya with interest from 25.06.1985 to till date of payment along with arrears of family pension payable to petitioner's father from 25.06.1985 to July 1986 till petitioner's father re-marriage by considering petitioner's representation dated 15.07.2020.

2. It is the case of the petitioner that his mother, who worked as Maternity Aaya in the 4th respondent office, died on 24.06.1985. However, after her demise, only a sum of Rs.975/- towards funeral



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expenses and Rs.10,000/- as gratuity were paid and the other terminal benefits/death cum retirement benefits and the family pension were not disbursed to the father of the petitioner. Hence, the petitioner sent several representations in the years 1986, 1991, 1992, 1999, 2015 and 2020. However, the authorities directed the petitioner to submit several documents. Even after submission of the documents, since the representation was not considered and the service benefits and family pension were not disbursed, the petitioner is before this Court with this writ petition.

3. The learned counsel for the petitioner would submit that the petitioner is the legal heir of the deceased mother and he is entitled to receive the service benefits and the family pension and hence, he prays for appropriate direction.

4. The learned counsel appearing for the fourth respondent, by relying upon the counter affidavit, would submit that for the funeral expenses, a sum of Rs.975/- has been paid after the death of the petitioner's mother and subsequently the gratuity has also been paid to



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the father of the petitioner. He would further submit that the petitioner's father remarried in the year 1986 and neither the remarriage certificate nor the documents sought for by the 4th respondent have been submitted by the petitioner and hence, for want of documents, the benefits were not able to be paid. It is also submitted that though the petitioner's father remarried, the petitioner is entitled to family pension either till his marriage or till he attains the age of 25, whichever is earlier. It is his contention that the petitioner has not brought to the notice of the respondents about his marriage and if he got married, his marriage certificate has to be produced and without proper documents, the respondents could not disburse the benefits.

5. Considering the submissions made on either side, the fourth respondent is directed to conduct an enquiry with regard to the entitlement of the petitioner on the production of legal heir certificate and other documents as sought for by them and conclude the same within a period of twelve weeks from the date of receipt of a copy of this order and disburse the terminal benefits four weeks thereafter.



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costs.

6. This writ petition is disposed of with the above direction. No

09.01.2023

NCC : Yes/No

Index : YEs/No

RR

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M.DHANDAPANI, J.

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