



W.P(MD)No.17981 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2023

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17981 of 2023
and
W.M.P(MD)No.15017 of 2023

M.Mariammal

... Petitioner

Vs.

- 1.The Commissioner of Municipal Administration,
Chepauk, Chennai-05.
- 2.The Commissioner of Kadayanallur Municipality,
Municipal Office,
Kadayanallur Post-627 751,
Tenkasi District.

3.R.Kala

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in Na.Ka.No.323/2023/H1, dated 14.06.2023 and quash the same consequently direct the respondents 1 and 2 to settle the terminal benefits of petitioner's



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husband Late Mr.Madasamy Sanitary Worker with interest and to grant family pension to the petitioner.

For Petitioner : M/s.V.Muthukamatchi
For R-1 : Mr.J.Ashok
Additional Government Pleader
For R-2 : Mr.M.Saravana Kumar
For R-3 : Mr.A.Haja Mohideen

ORDER

The present writ petition has been filed to quash the order passed by the second respondent herein for equal distribution of terminal benefits of deceased Madasamy, who was a Sanitary Worker.

2. The writ petitioner is the second wife and the third respondent is the daughter of the deceased born through the first wife of the deceased. In view of the dispute between the family members, the matter was referred to Mediation and Conciliation Centre attached to this Bench and the parties have amicably settled the issue. Paragraph No.6 of the settlement agreement is extracted as follows:



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"6. The following settlement has been arrived between the parties hereto:

a. Third respondent (Tmt.R.Kala) is entitled to receive lumpsum of Rs.7,00,000/- (Rupees Seven Lakhs Only) out of entire terminal benefits and Insurance Money of Late Madasamy.

b. The petitioner and her daughter M.Gurulakshmi are entitled to receive entire remaining balance amount of terminal benefits & Insurance money of Late.Madasamy.

c. The writ petitioner's daughter M.Gurulakshmi is entitled to get compassionate ground appointment and the third respondent (Tmt.R.Kala) have no objection for the same.

d. The third respondent is entitled to get the entire house property of Door No.12/5, 13th street, Krishna puram, Kadayanalloor and the writ petitioner and her daughter will execute the release deed in favour of Tmt.R.Kala without receiving any remuneration. Further the third respondent is agreed to pay the registration charges also."

3. In view of the above settlement reached between the parties, the respondent authorities are directed to disburse the terminal benefits in accordance with the settlement. The compassionate appointment may be granted to the petitioner's daughter, if she satisfies all other eligibility criteria. The settlement arrived at between the parties shall form part of the order.



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4. This writ petition stands disposed of on the above said terms. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

23.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Commissioner of Municipal Administration,
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R.VIJAYAKUMAR, J.

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