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W.P.(MD)No.5096 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5096 of 2016

R.Premalatha

... Petitioner

vs.

The Assistant Executive Engineer,
Public Works Department,
Water Resources Department,
Periyar Main Canal Sub Division-II,
Madurai-625 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Letter No.Ko.No. 04/2014/U.Se.Po.-2/Madurai, dated 29.09.2014, passed by the respondent and to quash the same as illegal and consequently, to direct the respondent to disburse the retirement and other service benefits payable on account of the demise of the petitioner's husband Rajendra



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Babu who worked as Work Inspector in the respondent office with interest in accordance with law.

For Petitioner : Mr.M.Kannan
For Respondent : Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

This writ petition is filed for writ of Certiorarified Mandamus, to quash the impugned order, dated 29.09.2014, passed by the respondent and consequently, to direct the respondent to disburse the retirement and other service benefits payable on account of the demise of the petitioner's husband Rajendra Babu who worked as Work Inspector in the respondent office with interest in accordance with law.

2. The respondent through the impugned order has directed the petitioner to produce succession certificate in order to receive the



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terminal benefits.

3. The contention of the respondent is that the petitioner and her deceased husband were not in good terms. The petitioner was receiving maintenance which was ordered through the competent Court. Hence, the respondent is entertaining doubts about the subsisting marital relationship between the petitioner and the deceased husband.

4. Therefore, this Court is of the considered opinion that based on mere apprehension that the deceased husband was paying maintenance, the respondents cannot deny the benefits to the petitioner. The petitioner is receiving maintenance, would not disentitle the petitioner from getting the benefits of the deceased husband. It is not the case of the respondent that the petitioner and the deceased husband were not married and the respondent is not doubting the marriage. It is also an admitted fact that



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the petitioner and her deceased husband were not separated through any divorce decree. Simply filing of a maintenance case by the petitioner against the deceased employee will not disentitle the petitioner from claiming the terminal benefits after the demise of the deceased employee.

5. Therefore, the impugned order is quashed. The respondent is directed to pay the terminal benefits applicable to the petitioner's husband along with statutory interest applicable within a period of four weeks from the date of receipt of a copy of this order.

6. With the above said observation, the writ petition is allowed.

No costs.

Index : Yes / No

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Internet : Yes

NCC : Yes / No

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To

The Assistant Executive Engineer,
Public Works Department,
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S.SRIMATHY, J

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