BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD).No.141 of 2020
and
C.M.P.(MD).No.1085 of 2020

The Accountant General (A&E),
Teynampet,
Anna Salai,
Chennai – 600 018. .. Appellant/1st Respondent

Vs.

1.K.Ganesan .. Respondent/Petitioner

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009. ..Respondents/Respondents

5.Karthigai Rani

6.Muthuramkumar

7.Vijaya ..Respondents

(R-5 to R-7 are brought on record as legal representatives of the deceased first respondent vide Court order dated 11.10.2023 passed in C.M.P. (MD).No.9979 of 2022 in W.A.(MD).No.141 of 2020)

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to allow this Writ Appeal and set aside the order of this Court in W.P.(MD).No.3161 of 2016 dated 05.09.2019.

For Appellant : Mr.P.Gunasekaran
For R-1 : Mr.S.Siva Ilayaraja

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The order dated 05.09.2019 passed in W.P.(MD).No.3161 of 2016 is under challenge in the present Writ Appeal.

2. The first respondent/writ petitioner is the brother of the deceased employee, K.Muthuramakrishnan, who died while he was in service. The wife of the deceased employee K.Muthuramakrishnan re-married and

therefore, she became ineligible to get the terminal and pensionary benefits due to the deceased employee as per the Pension Rules. Thus, the proposal was submitted to settle the terminal benefits in favour of the deceased K.Ganesan, who is the brother of the deceased employee. Unfortunately, the writ petitioner, Mr.K.Ganesan also died and thus the DCRG benefits due to the deceased employee is to be settled in favour of the legal heirs of late Mr.K.Ganesan.

3. The learned Single Judge, while considering the issues, found that there was an inordinate delay in sanctioning the gratuity amount in favour of the writ petitioner, K.Ganesan by the Accountant General of Tamil Nadu and accordingly, issued direction to settle the dues and pay the cost amount of Rs.25,000/-.

4. The learned counsel appearing on behalf of the appellant/Account General of Tamil Nadu mainly contended that there was no delay on the part of the Accountant General and the proposal returned seeking clarification was not re-submitted immediately and there was a delay at the instance of the authorities of the department, in which, the deceased employee served.

More so, after the death of the deceased employee, his wife re-married and she became ineligible. Thereafter, the brother of the deceased employee, Mr.K.Ganesan, claimed and he also died. On account of this sequence of facts occurred in the family of the deceased employee, the delay was inevitable and thus, imposing cost became unnecessary.

5. The learned counsel for the appellant brought to our notice that the Accountant General of Tamil Nadu received the revised proposal on 13.09.2019 and thereafter, actions were initiated.

6. Be that as it may. Since the writ petitioner died during the pendency of the present Writ Appeal, the legal heirs of the writ petitioner, late K.Ganesan/respondents 5 to 7 are at liberty to approach the Tahsildar, Ottapidaram Taluk, Thoothukudi District and produce all the relevant records enabling the original authority to send a proposal for settlement of DCRG benefits. Within a period of two (2) weeks from the date of submission of the particulars by the legal heirs of the writ petitioner, late K.Ganesan, the authorities competent shall send proposal to the Accountant General of Tamil Nadu by following the procedures, who in turn is directed

to accord sanction within a period of four (4) weeks from the date of receipt of the proposal from the competent authority of the Department. The gratuity amount due to the deceased employee is to be settled along with the admissible interest as per the rules.

7. In view of the above, the order dated 05.09.2019 passed in W.P.(MD).No.3161 of 2016 is modified with reference to the cost of Rs.25,000/- imposed on the appellant. The adverse remarks made in the order also stands expunged. Accordingly, the Writ Appeal stands partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
11.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The Accountant General (A&E),
Teynampet,
Anna Salai,
Chennai – 600 018.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai – 600 009.

<u>S.M.SUBRAMANIAM,J.</u>
<u>and</u>
<u>V.LAKSHMINARAYANAN,J.</u>

Lm

W.A.(MD).No.141 of 2020

11.10.2023