



W.P.(MD).No.24285 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.24285 of 2023

and

W.M.P(MD)No.20473 of 2023

Menaga

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur.

3.Rajalakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to settle the Terminal Benefits of the petitioner's husband R.Senthilkumar in favour of petitioner and further direct the respondents to provide compassionate appointment to the petitioner.

For Petitioner : Mr.R.Murali



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For R-1 & R-2 : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

The present writ petition has been filed by the wife of an employee, who died in harness seeking disbursal of terminal benefits and compassionate appointment.

2. The petitioner's husband, namely, R.Senthilkumar, who was working as a Village Administrative Officer had passed away on 05.06.2022. The mother-in-law of the petitioner, namely, the third respondent herein has made some objections to the authorities with regard to disbursal of the terminal benefits and grant of compassionate appointment to the writ petitioner. Hence, the present writ petition has been filed.

3. A perusal of the legal heir certificate annexed to the typed set of papers indicates that the deceased Government servant had left behind his wife, namely, the writ petitioner aged 29 years, his daughter aged 10 years and his mother aged 61 years. Therefore, it could be seen that neither the daughter of the deceased nor the mother of the deceased could aspire for a Government job,



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at this relevant point of time. Therefore, the question of seeking No Objection Certificate from these two legal heirs does not arise.

4. The learned Additional Government Pleader appearing for the official respondents brought to the notice of the Court, a communication has been issued by the second respondent, dated 14.10.2023 to the effect that he has forwarded the proposal to the District Collector for appointing the writ petitioner on compassionate grounds.

5. The learned Counsel appearing for the writ petitioner on instructions, submits that he has no objection whatsoever for grant of 50% of the terminal benefits to the third respondent herein. Out of the balance 50%, 25% shall be directly paid to the writ petitioner and a cheque for the balance 25% shall be issued in the name of the minor daughter and the same may be deposited in a Nationalized Bank till the minor daughter of the writ petitioner attains majority.

6. In view of the above said facts, the first respondent herein is directed to act upon the recommendations made by the second respondent, dated 14.10.2023 and pass orders on merits and in accordance with law, within a



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period of eight (8) weeks from the date of receipt of a copy of this order. The second respondent is directed to disburse 50% of the terminal benefits to the third respondent and the balance 50% shall be shared between the petitioner and her minor daughter as stated above.

7. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

16.10.2023

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

To

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Melur.



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R.VIJAYAKUMAR, J.

BTR

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