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W.P.No.1383 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.1383 of 2012

- 1.Deivanai Ammal (Deceased)
- 2.Shanmugam
- 3.Thirupathi
- 4.Saravanan
- 5.Govindhi

(P2 to P5 are substituted as LR's of deceased 04.01.2024 in W.M.P.No.16456 of 2021 in W.P.No.1383 of 2012 by JSNPJ)

... Petitioners

Vs.

- 1.The Principal Chief Conservator of Forests,
Panagal Buildings,
Saidapet, Chennai – 600 015.
- 2.The Conservator of Forest Extension,
Tiruchirappalli Division,
Tiruchirappalli.
- 3.The Forest Ranger,
Salem Range, Salem.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents herein settle all



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the retirement and terminal benefits due for later Thiru.S.Alfred Thambu Antony, Ex-Asst. Conservator of Forests, Mettur Soil Conservation Scheme Range in favour of the petitioner herein.

For Petitioner : Mr.V.Sivaraman

For Respondents 1 to 3 : Mr.T.Chezhan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition to direct the respondents herein settle all the retirement and terminal benefits due for later Thiru.S.Alfred Thambu Antony, Ex-Asst. Conservator of Forests, Mettur Soil Conservation Scheme Range in favour of the petitioner herein.

2. Learned counsel for the petitioner submitted that the petitioner viz., Deivanai Ammal (deceased) has taken care of one S.Alfred Thambu Antony, who was deserted by his family members and he died on 21.03.2006. During his life time, the said Alfred Thambu Antony has executed a Will dated 25.05.2005 bequeathing all his retirement benefits and other monetary benefits in favour of the petitioner as she was taking care of him.



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2.1. Learned counsel for the petitioner further submitted that the said S.Alfred Thambu Antony was employed as Assistant Conservator of Forests in Mettur Soil Conservation Scheme Range under the second respondent. While in service, he was placed under suspension twice and he was not permitted to retire from service, till the completion of disciplinary enquiry initiated against him. On 26.03.1991, the said S.Alfred Thambu Antony was issued with a charge memo containing two charges for the lapses said to have been committed by him during the year 1980-81 and 1981-82. Thereafter, the enquiry has been completed, but no final orders were passed. Therefore, he filed writ petition before this Court in W.P.No.24149 of 2005 praying for a direction to be issued to the respondents to complete the disciplinary enquiry and the same was disposed on 04.08.2005, directing the respondents to pass final orders on the completed enquiry, within a period of six weeks from the date of receipt of a copy of that order, failing which, it shall be deemed that the charges leveled against the petitioner are dropped.

2.2. Learned counsel for the petitioner would further submit that the



aforesaid order dated 04.08.2005 has not been complied by the respondents.

Hence, the petitioner has sent a legal notice to the first respondent on 07.02.2009, calling upon him to settle the terminal benefits due to S.Alfred Thambu Antony and it was orally informed by the Forest Ranger that no sanctity can be attached to the Will executed by S.Alfred Thambu Antony and she was asked to get a declaration from a Court. Therefore, the petitioner has filed a Civil Suit in O.S.No.11 of 2010 on the file of the District Munsif, Tirupattur and the suit was also decreed on 31.03.2010.

2.3. Learned counsel for the petitioner would further submit that after obtaining the certified copy of the decree in O.S.No.11 of 2010, the petitioner has submitted a representation dated 08.06.2010 to the respondents 1 & 2, enclosing all the documents viz., Will, Death Certificate and the decree passed in O.S.No.11 of 2010 and requested the respondents 1 & 2 to settle the terminal benefits. However, no order has been passed by the respondents. As there was no response to the same, the petitioner has submitted another representations dated 31.07.2010 and 10.11.2010. Even thereafter, there was no response from the respondents. Hence, the petitioner has come forward



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with the present writ petition. However, pending this writ petition, the petitioner died on 16.06.2018 and her legal heirs were brought on record by this Court on 04.01.2024 vide W.M.P.No.16456 of 2021.

3. Learned Additional Government Pleader appearing for the respondents would submit that the deceased petitioner has submitted a representation way back in the year 2010 and it is not possible to trace out the same. Hence, this Court may direct the petitioners herein to submit a fresh representation before the second respondent to settle all the retirement and terminal benefits due for late S.Alfred Thambu Antony.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following directions:

(i) the petitioners herein are directed to give a fresh representation by enclosing a copy of the decree obtained in O.S.No.11 of 2010 dated 31.03.2010 and other relevant documents before the second respondent,



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within a period of two weeks from the date of receipt of a copy of this order.

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(ii) on receipt of the same, the second respondent shall consider it and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

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

02.02.2024

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

To:

1.The Principal Chief Conservator of Forests,
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3.The Forest Ranger,

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Salem Range,
Salem.

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