



W.P.No.19233 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19233 of 2024

Mary Priyadarshini Samuel

... Petitioner

Vs

1. The Secretary to the Government of India,
Ministry of Home Affairs,
South Block, New Delhi – 110011.

2. The Additional Secretary to the Government,
Home (Police-I) Department,
Secretariat, Chennai – 600 009.

3. The Deputy General of Police,
Tamil Nadu,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to disburse
the retirement benefits, pension and other benefits of the petitioner's father
late E.Hariharane with interest to the petitioner herein within stipulated time
as fix by this Court.



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For Petitioner : Mr. R.Balaramesh

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader (for R2 & R3)

O R D E R

The Writ Petition has been filed for directing the respondents to disburse the retirement benefits, pension and other benefits of the deceased petitioner's father, viz., E.Hariharane with interest to the petitioner.

2. The petitioner is claimed to be the adopted daughter of late E.Hariharane and Rita Hariharane, and she was adopted by them on 01.06.1972. While the petitioner's father was working as Director of Fire Service, an F.I.R was registered as against him, which was culminated in a criminal case in C.C. No. 1 of 1999 on the file of the of the Special Judge I -cum- Additional Sessions Judge, Chennai. The case ended in conviction by order dated 04.04.2003. Aggrieved by the same, the petitioner's father had preferred a Criminal Appeal before this Court in CrI. A. No. 644 of 2003.



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3. While the said appeal was pending, he attained the age of superannuation on 31.10.2000 and was permitted to retire from service without prejudice to the pendency of the criminal proceedings against him by G.O. Ms. No. 531, Home (SC) Department dated 30.05.2001. Further, the petitioner was sanctioned provisional pension by the second respondent through G.O. Ms. No. 624, Home (Police) Department dated 04.07.2001. In the meantime, a part of the retirement benefits was settled on 08.10.2013. At that juncture, the petitioner's mother, viz., Rita Hariharane, expired and thereafter, on 15.02.2017, the petitioner's father also expired, leaving behind, the petitioner as the only legal heir. In the Criminal Appeal pending before this Court, this Court, this Court directed the respondent/Police to verify whether the deceased E.Hariharane's wife had predeceased him and whether they had no biological children. Hence, the Deputy Superintendent of Police, Crime Branch CID headquarters, Egmore, Chennai, conducted a detailed enquiry and submitted a report to this Court.

4. On a perusal of the said report, it reveals that in the nomination forms, the said E.Hariharane had nominated the petitioner as nominee for



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family pension, commutation of pension, Tamil Nadu family benefit fund scheme (Form-III), Death cum retirement -Gratuity (Form-A), and Provident Fund. Further, his wife had predeceased to him as early as on 08.10.2013.

5. Considering the said report, this Court allowed the petition filed by the petitioner in CrI.M.P.No. 1849 of 2018 in CrI. A.No.644 of 2023 by order dated 05.03.2018 and permitted her to proceed with the appeal. Finally, this Court allowed the appeal in CrI. A.No.644 of 2023 by order dated 04.02.2020 and set aside the conviction and sentence imposed by the trial Court. Accordingly, the bail bonds were cancelled, and the fine amount paid by the deceased was refunded to the petitioner. Therefore, the petitioner made representation seeking settlement of pension and other benefits, since the petitioner was nominated by the said E.Hariharane in the respective nomination forms, where the petitioner was shown as his daughter. However, the petitioner was permitted to produce the legal heir certificate for the disbursal of all benefits.



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6. Admittedly, except the petitioner, there is no other legal heir to the deceased said E.Hariharane, as the petitioner is the adopted daughter of the deceased. Further, it was held by this Court in Crl.M.P.No. 1849 of 2018 in Crl. A.No.644 of 2023 by order dated 05.03.2018, thereby permitting the petitioner to proceed with the criminal appeal filed by her deceased father.

7. In view of the above facts and circumstances, the second respondent is directed to disburse the retirement benefits, arrears of pension, if any, and other benefits of the deceased viz., E.Hariharane, with interest at the rate of 6% per annum, within a period of six weeks from the date of receipt of a copy of this order.

8. In the result, this Writ Petition is allowed. No costs.

16.07.2024

Index:Yes/No
Neutral Citation/Yes/No
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To
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