



W.P.No.11632 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.11632 of 2021

Seethal

...

Petitioner

Vs.

1. The Commissioner,
Corporation of Erode,
Erode.

2. Vasanthal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay appropriate share of Provident Fund and other death benefits of the deceased Thangarasu S/o.Maran who was working as Assistant in the office of the respondent by considering the representation of the petitioner herein dated 05.01.2021 within a reasonable time.

For Petitioner : Ms.D.Jeevitha for
Mr.R.Nalliyappan

For Respondents : No appearance



W.P.No.11632 of 2021

ORDER

This Writ petition has been filed, seeking a direction to the 1st respondent to pay appropriate share of Provident Fund and other death benefits of the deceased Thangarasu S/o.Maran to the petitioner by considering her representation, dated 05.01.2021.

2. The petitioner's son by name Thangarasu who was working as an Assistant in the office of the 1st respondent, died on 17.06.2019. Subsequent to the death of the employee, the 1st respondent has credited a sum of Rs.2,63,418/- towards head earned and unearned leave of the deceased employee and the same was received by the 2nd respondent who is the wife of the deceased. The petitioner being the mother of the deceased, is entitled to get 50% on the said amount and also in the death benefits of the deceased employee. The 1st respondent is yet to pay the provident fund and other benefits of the deceased Thangarasu. The 1st respondent directed the petitioner to get No Objection Certificate from the 2nd respondent. In this regard, the petitioner has made a representation on 05.01.2021 and the same was also not considered so far, Hence, the petitioner has filed the Writ Petition claiming that as a mother of the deceased employee



W.P.No.11632 of 2021

Thangarasu, she is entitled to get 50% of the terminal and death benefits.

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3. Ms.D.Jeevitha, learned counsel for the petitioner submitted that the 2nd respondent/wife of the deceased employee had received certain benefits like Earned Leave encashment etc., in which the petitioner claimed her share of 50% of the terminal and death benefits of the deceased, for which, the petitioner was asked to produce No Objection Certificate from the other legal heirs. When the petitioner and the 2nd respondent is not in cordial terms, it will be difficult for the petitioner to produce any No Objection Certificate as directed by the 1st respondent. The representation given by the petitioner to the 1st respondent for disbursement of 50% of share in the terminal benefits, was also not considered so far. Hence, she filed the present Writ Petition.

4. The petitioner is said to have produced the legal heir-ship certificate before the 1st respondent, showing that the petitioner is one of the legal heirs of the deceased employee. Hence, the 1st respondent is directed to consider the representation of the petitioner dated 05.01.2021



W.P.No.11632 of 2021

and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, this Writ Petition is disposed of. No costs.

19.01.2024

Index: Yes / No
Speaking order / Non-speaking order
vum

To:

The Commissioner,
Corporation of Erode,
Erode.

R.N.MANJULA ,J.

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W.P.No.11632 of 2021

W.P. No.11632 of 2021

19.01.2024