



WEB COPY



W.P.No.10281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.10281 of 2024

A.DonBosco

... Petitioner

Vs

1. The Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 09.

2. The Special Commissioner,
Indian Medicine and Homeopathy Department,
Chennai 106.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 07.02.2024, to disburse the entire service benefits of my father Late Mr.Arokiadoss, payable to my mother Mrs. A.Devi myself (Don Bosco) and my sister.

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.M.Bindran

Additional Government Pleader

ORDER

This writ petition has been filed for direction directing the second respondent to consider the petitioner's representation dated 07.02.2024, to disburse the entire service benefits of the petitioner father Late Mr.Arokiadoss,



W.P.No.10281 of 2024

payable to my mother Mrs.A.Devi myself (Don Bosco) and my sister.

WEB COPY

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

3. The petitioner's father one Arokiadoss was in service of the respondents as Office Assistant. While he was in service, he died on 06.02.1993 leaving behind the petitioner's mother, petitioner and the petitioner's sister. The petitioner's mother was provided with funeral expenses. When the petitioner's mother approached for all service benefits of her husband, the respondents informed that there is a rival claimant viz., Lilly Saro, who also claims to be the wife. Therefore, petitioner's mother filed a suit before the City Civil Court, Chennai in O.S.No.4439 of 1993 as against the said rival claimant Lilly Saro for declaration declaring that the petitioner's mother as legally wedded wife. The said suit was decreed by the Judgment and Decree dated 25.10.1994. When the petitioner's mother produced the decree of the Civil Court, the respondents informed the petitioner that the said rival claimant viz., Lilly Saro also obtained decree from the Family Court, Chennai, as if she is the wife of the said Arokiadoss. Therefore, the respondents did not disburse any service benefits either to the petitioner or to the rival claimant.



W.P.No.10281 of 2024

WEB COPY

4. Though the petitioner filed this writ petition without adding the rival claimant viz., Lilly Saro as a party, the second respondent is directed to conduct enquiry, after issuance of notice to the petitioner and the rival claimant viz., Lilly Saro and pass orders to disburse the service benefits. It is made clear that if the rival claimant viz., Lilly Saro failed to appear before the second respondent for enquiry, the second respondent is directed to disburse the service benefits of the said Arokiadoss to the petitioner's mother.

5. With the above directions, this writ petition is disposed of. No costs.

05.07.2024

Internet: Yes
Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order
mn



WEB COPY



W.P.No.10281 of 2024

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Secretary,
Health and Family Welfare Department,
Secretariat, Chennai 09.
2. The Special Commissioner,
Indian Medicine and Homeopathy Department,
Chennai 106.

W.P.No.10281 of 2024

05.07.2024