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W.P.No.17603 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17603 of 2024

R.Saritha

... Petitioner

Vs

1. The Director General of Police Tamil Nadu,
Dr. Radhakrishnan Salai, road, Mylapore,
Chennai, PIN – 600004.

2. The Commissioner of Police,
Chennai City, No. 132, EVK Sampath Road,
Vepery, Periyamet,
Chennai, PIN – 60007.

3. M.Shanmugathammal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent passed in RC. No. COP/Pen.2(1)/086/76033/2021 dated 25.04.2024 and quash the same as illegal and further direct the respondents to grant and appointment to the petitioner on compassionate grounds and release all the death benefits of her husband in a time bound manner, in accordance with law.



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For Petitioner : Mr. K.Perumal

For Respondents : Mr. S.Arumugam,
Government Advocate (for R1 & R2)

O R D E R

The Writ Petition has been filed challenging the order dated 25.04.2024 passed by the second respondent, thereby rejecting the request made by the petitioner sanction of terminal benefits to the petitioner on the ground that the third respondent filed a Writ Petition in W.P. No. 5707 of 2022 before this Court and it is pending.

2. The petitioner's husband was working as Constable and he died due to illness on 21.09.2021. Thereafter, the petitioner applied for legal heirship certificate. However, the third respondent, who is none other than the mother-in-law of the petitioner objected the same. Further, the petitioner was issued legal heirship certificate showing that the petitioner, her son and the third respondent as legal heirs. It was challenged before this Court in W.P. No. 24336 of 2022 and this Court by order dated 09.09.2022, directed the Revenue Divisional Officer, Tambaram to consider the objections raised



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by the third respondent and pass orders within a period of two months.

However, the terminal benefits of the deceased was not settled so far and the family pension was also not granted to the petitioner.

3. Once again, the third respondent filed a Writ Petition in W.P. No. 5707 of 2022 before this Court seeking direction directing the respondents therein to consider the objections raised by the third respondent herein and not to disburse any death benefits and compassionate appointment to the petitioner. The said Writ Petition is pending for the past two years, no terminal benefits was disbursed and no family pension was ordered in favour of the petitioner.

4. In view of the above, the second respondent is directed to conduct enquiry after issuance of notice to the petitioner and the third respondent and pass orders to disburse the terminal benefits and the family pension. It is made clear that the petitioner is being wife of the deceased, she is entitled for family pension and insofar as the terminal benefits are concerned, the third respondent is entitled to give her share. Accordingly,



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the second respondent is directed to disburse the terminal benefits of the deceased husband of the petitioner forthwith. The request made by the petitioner for compassionate appointment shall be considered, within a period of four weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is disposed of on the aforesaid observations. No costs.

03.07.2024

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

1. The Director General of Police Tamil Nadu,
Dr. Radhakrishnan Salai, road, Mylapore,
Chennai, PIN – 600004.
2. The Commissioner of Police,
Chennai City, No. 132, EVK Sampath Road,
Vepery, Periyamet,
Chennai, PIN – 600007.



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G.K.ILANTHIRAIYAN, J.

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