



W.P.No.17215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17215 of 2024

1. Kalpana

2. M.Praveen Kumar

... Petitioners

Vs

1. The Home Secretary,
Tamil Nadu Government,
Fort St. George,
Secretariat, Chennai – 600 009.

2. The Superintendent of Police,
Municipality Campus, Muthukadai,
Ranipet District,
Ranipet – 632 401.

3. The Deputy Superintendent of Police,
Arakonam Range,
Ranipet District – 631 001.

4. The Inspector Police,
Banavaram Police Station,
128, State Highway, Banavaram Railway Flyover,
Banavaram, Ranipet District – 632 505.

5. Vasantha

... Respondents



W.P.No.17215 of 2024

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to grant family pension to the first petitioner consequent on the death of the petitioners' husband on 01.01.2020 together with the arrears of pension and also to appoint the second petitioner on compassionate grounds in any suitable post to which the second petitioner is eligible and found suitable.

For Petitioners : Mr. M.Gnanasekar

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader (for R1 to R4)

O R D E R

This Writ Petition has been filed to direct the second respondent to grant family pension to the first petitioner, consequent to the death of the petitioners' husband on 01.01.2020, together with the arrears of pension and also to appoint the second petitioner on compassionate grounds in any suitable post to which the second petitioner is eligible and found suitable.

2. The first petitioner is the wife of T.K.Mahalingam and they gave birth to three children. The said T.K.Mahalingam joined in the Police Department as Grade-II Police Constable on 28.05.1995. Thereafter, he was



W.P.No.17215 of 2024

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promoted to the post of Sub-Inspector of Police and then as Inspector of Police. He also entered the petitioners and other two children are legal heirs as his nominees, in the Service Register. Thereafter, the said T.K.Mahalingam died due to Stomach Cancer on 01.01.2020 while he was in service. Thereafter, the petitioners produced the legal heirship certificate and they sought for death cum retrial benefits. However, so far, the petitioners were not paid any amount on the ground that the fifth respondent objected the same and also claimed to be the second wife.

3. Even assuming that the fifth respondent is the second wife and the first petitioner is legally wedded wife and she was issued legal heirship certificate with other three children. So far, the fifth respondent failed to produce any decree stating that the fifth respondent is the legally wedded wife of the said deceased T.K.Mahalingam. Therefore, there is absolutely no impediment for the first respondent to disburse all the death cum terminal benefits to the petitioner.



W.P.No.17215 of 2024

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4. In view of the above, the first respondent is directed to disburse the death cum retirement benefits to the petitioners and the legal heirs of the said T.K.Mahalingam and consider the application submitted for the compassionate appointment, 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 allowed to the extent indicated above. No costs.

01.07.2024
2/2

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

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W.P.No.17215 of 2024

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W.P.No.17215 of 2024

G.K.ILANTHIRAIYAN, J.

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W.P.No.17215 of 2024

01.07.2024

2/2