



WEB COPY



W.P.No.16610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.16610 of 2024

and

W.M.P.No.18219 of 2024

Santhi

... Petitioner

Vs.

1. The Joint Director
Medical and Rural Health Services
Tiruppur.
2. The Chief Resident Medical Officer,
Government Hospital,
Udumalpet, Tiruppur District.

3. Chitra
Respondents

...

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of the 2nd respondent passed vide his letter in Na.Ka.No.2902/Ni/2019 dated 02.2024 (signed on 24.02.2024) and quash the same and consequently direct the respondent to provide the death-cum-terminal benefits of the petitioner's husband namely K.Udhayakumar, who died on 13.11.2018 and family pension to the petitioner within the time limit to be stipulated by this Court.



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For Petitioner : Mr.M.Vijaya Ragavan

For Respondents : Mr.M.Bindran
Addl. Govt. Pleader for R1 & R2

ORDER

This writ petition is filed for issuance of a Certiorarified Mandamus to call for the records pertaining to the impugned order of the 2nd respondent passed vide his letter in Na.Ka.No.2902/Ni/2019 dated 02.2024 (signed on 24.02.2024) and quash the same and consequently direct the respondents to provide the death-cum-terminal benefits of the petitioner's husband namely K.Udhayakumar, who died on 13.11.2018 and family pension to the petitioner.

2. It is the case of the petitioner that her husband namely Udhayakumar was working as Sweeper in the 2nd respondent office and while in service he died on 13.11.2018. The petitioner is the legally wedded wife of the said Udhaya Kumar as both of them got married on 17.07.1988 and they are having one son and one daughter born to them. He further submitted that after 10 years, the third respondent namely Chithra got married to the said deceased Udhayakumar and two sons were also born to them out of their



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wedlock. While so, the said Udhayakumar died on 13.11.2018 while in service.

3. Heard both sides and perused the materials available on record.

4. Now the question is about the disbursement of the deceased employee's terminal/death benefits. By the impugned order, the respondents have directed the petitioner to obtain a succession certificate from the competent civil Court for disbursement of the same. The contention of the petitioner is that there is absolutely no dispute as far as the family is concerned. When there was a valid marriage between the petitioner and her husband, the said Chithra who got married to the deceased employee after 10 years has given a duly notarised affidavit dated 17.04.2024 that she has no objection in considering Santhi alone as the legally wedded wife and releasing all the benefits. Therefore, if that is the position then it is clear that the petitioner Santhi will be eligible for the benefits as a wife including family pension and the two children born through the petitioner Santhi and the two Children born out of the wedlock with Chithra as the legal heirs of the deceased employee namely Udhayakumar have already died. Therefore, the



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first wife and her two children alone are the legal heirs who will be entitled to the benefits. When there are no rival claims there is no necessity for the respondents to insist upon the succession certificate. In view thereof, this writ petition is disposed of on the following terms:-

(1) The impugned order dated 24.02.2024 is hereby set aside.

(2) The respondents shall call the petitioner Santhi as well as Chithra for a personal hearing and before the respondents if the said Chithra abides by the affidavit then the respondents shall proceed to disburse all the benefits to the petitioner and as well as to her two children in accordance with law.

(3) The said exercise shall be completed by the respondents within a period of 8 weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is also closed.

26.06.2024

Neutral Citation: Yes/No
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D.BHARATHA CHAKRAVARTHY, J.

dpq

To

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