



W.P.No.21712 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.21712 of 2019

1.Rasheeda

W/o. Late Mohamed Ibrahim

2.Jaheer Hussain

S/o. Late Mohamed Ibrahim

3.Dhaheera Banu

D/o. Late Mohamed Ibrahim

4.Mehaja Been

D/o. Late Mohamed Ibrahim

...Petitioners

Vs.

1.The Senior Accounts Officer, (Legal Cell)

The Office of the Principal Accountant General
(Accounts & Entitlement)

No.36, Anna Salai,

Chennai-600 018.

2.The District Collector,

Coimbatore District.



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3.The Tahsildar

Pollachi Taluk, Coimbatore District,

4.Sibaida Begam

W/o. Late Mohamed Ibrahim

5.Navasath

S/o.Late Mohamed Ibrahim

6.Navas

S/o.Late Mohamed Ibrahim

7.Rishvana

D/o.Late Mohamed Ibrahim

8.Sibana

D/o. Late Mohamed Ibrahim

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, praying to call for the records relating to the impugned order of the 1st respondent in Lr. No. Pr.AG (A&E)/Legal Cell/Misc/630/2012-13/1948/194051, dated 12.02.2013 quash the same and consequently direct the first respondent herein to disburse the death - cum - terminal and all pensionary benefits as per the award dated 25.09.2012 passed by the Lok Adalat held by the Taluk Legal services committee, Pollachi, in Lok Adalat case No.78/2012 together with interest at 12% p.a., within a reasonable times as may be fixed by this Court.



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For Petitioners : Mr.K.Rajapandi

For Respondents : Ms.Hema Murali Krishnan for R1
Mr.M.Murali,
Government Advocate for R2 & R3
R4- Died
Mr.N.Sankaravadivel for R5 to R8

ORDER

This writ petition has been filed seeking Writ of Certiorarified Mandamus to call for the records relating to to the impugned order of the 1st respondent in Lr. No. Pr.AG (A&E)/Legal Cell/Misc/630/2012-13/1948/194051, dated 12.02.2013 and to quash the same and also sought a for consequential direction to the 1st respondent to disburse the death - cum - terminal and all pensionary benefits as per the award dated 25.09.2012 passed by the Lok Adalat held by the Taluk Legal services committee, Pollachi, in Lok Adalat case No.78/2012 together with interest at 12% per annum.

2.The issue that was involved in the present writ petition is about the disbursement of death-cum-terminal and other benefits of one Late Mohamed Ibrahim who served as Revenue Inspector and retired from service



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on 31.01.1997 and died on 23.12.2004. Consequent upon the death of late Mohamed Ibrahim, the 1st petitioner herein and 4th respondent claims to be the two wives of late Mohamed Ibrahim, and the petitioners 2 to 4 and 5 to 8 claiming to be the children of late Mohamed Ibrahim through the 1st petitioner and 4th respondent made a claim for payment of family pension and other benefits. In view of the dispute among the legal heirs of late Mohamed Ibrahim they have gone before the Lok Adalat and the issue was settled among themselves by an award dated 25.09.2012 in Lok Adalat case No.78 of 2012. Thereafter, the petitioners and respondents 4 to 8 approached the respondents 2 and 3 requesting for disbursement of family pension and arrears of family pension in terms of the said Lok Adalat award. However, the respondents 1 to 3 took an objection to pay amounts in terms of the said Lok Adalat award as the same is not permissible under the relevant Rules governing the payment of family pension and passed the impugned order dated 12.02.2013. It is aggrieved by the said order the petitioners approached this Court by filing the present writ petition.

3.No counter affidavit was filed by the 1st respondent. However, the



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learned counsel appearing for the respondents 1, 2 & 3 submitted that the said respondents have no objection to pay the family pension and arrears of family pension in favour of the 1st petitioner.

4.In the counter affidavit filed by the 6th respondent on behalf of the respondents 5 to 8 it is stated that the 4th respondent, who is also the wife of the deceased employee is no more and she passed away on 19.08.2023 leaving behind the respondents 5 to 8. They have no objection for payment of the entire family pension and arrears of family pension in favour of the 1st petitioner for re-distributing the same in terms of the Lok Adalat award among the petitioners 1 to 4 and respondents 5 to 8. The relevant paragraph from the counter affidavit filed by the 6th respondent reads as under:

"I state that my mother the 4th respondent herein died intestate on 19.8.2023 and left behind her the respondents 5 to 8 as her legal heirs. The death certificate of my mother is filed herewith. I pray that death of my mother, the 4th respondent herein may be recorded. The further proceedings are not abated since all the heirs are already on record as Respondents 5 to



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8 and the cause of action survives upon us. I therefore state that 50% of our share (respondents 5 to 8) as made in the award may be disbursed to the 1st petitioner to meet out the end of justice and for redistribution of our share by 1st petitioner to us. In this regard the respondents 5 to 8 have no objections and further hereby consented for the same."

5.The learned counsel appearing for the petitioners also submitted that they have no objection for acting upon the award passed by Lok Adalat on receipt of the family pension and arrears of family pension from respondents 1 to 3 and distribute it in terms of the said lok Adalat award.

6.In the light of the above, this Court does not see any impediment for disposal of the writ petition by giving appropriate directions. Accordingly, the writ petition stands disposed of with the following directions.

(i) The respondents 1 to 3 are directed to release the family pension and arrears of family pension payable, consequent upon the death of late Mohamed Ibrahim, in favour of the 1st petitioner within a period of six weeks from the date of receipt of a copy of this order.



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(ii)The 1st petitioner is further directed to distribute the amounts received by her in terms of the Lok Adalat award dated 25.09.2012 within a period of two weeks from the date of receipt of the amounts from the respondents 1 to3.

Accordingly, the writ petition stands disposed of. No costs.

18.07.2024

vsn

Internet:Yes/No

Index:Yes/No

Speaking/Non-speaking order

To

1.The Senior Accounts Officer, (Legal Cell)

The Office of the Principal Accountant General

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(Accounts & Entitlement)

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3.The Tahsildar
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