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W.P.No.20358 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM:

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

W.P.No.20358 of 2022

K.Sugunamma

...Petitioner

-Vs-

The Zonal Officer,
Zonal – 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to sanction and pay the entire retirement benefits viz., gratuity, monthly family pension, pension arrear, leave salary, etc., to the petitioner by considering her representation dated 24.06.2022.

For Petitioner : Mr.M.Elango

For Respondent : Mr.S.Gopinathan
Standing Counsel



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ORDER

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This writ petition has been filed for direction directing the respondent to sanction and pay the entire retirement benefits viz., gratuity, monthly family pension, pension arrear, leave salary, etc., to the petitioner by considering her representation dated 24.06.2022.

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

3. The petitioner claims to be the wife of late Rammadoss, who was appointed as Sanitary Inspector on 24.12.1980 in the Corporation of Chennai. While he was in service, he died on 13.12.2021. After the demise, the petitioner applied for legal heirship certificate and she was directed to approach the Civil Court for legal heirship certificate. It is also seen that the late Rammadoss got married with one P.Vijayalakshmi and had two children. The said P.Vijayalakshmi died on 25.06.1998. After her demise, the said Rammadoss got married to the petitioner on 12.12.1999. Due to their wedlock, they gave birth to two children. Therefore, the petitioner challenged the order passed by this Court in W.P.No.12421 of 2022 and this Court, directed the Tahsildar to consider the request of the petitioner, since after the demise of his wife, the petitioner is coming under the class-1 legal heir.



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4. In fact, when the said Rammadoss was alive, he submitted an application before the respondent to appoint the petitioner and his two children as nominee in order to receive terminal benefits. However, without producing any legal heirship certificate, the petitioner is not entitled for any terminal benefits of the deceased Rammadoss. Therefore, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. However, the petitioner is at liberty to produce the legal heirship certificate and make her claim in accordance with law.

5. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

12.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J,

mn

To

The Zonal Officer,
Zonal – 13,
Greater Chennai Corporation,
No.115, Dr.Muthulakshmi Salai,
Adyar, Chennai – 600 020.

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