



W.P.No.24479 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.24479 of 2021

1. V.S.Nagarathinam
2. J.Sambandamoorthy

... Petitioners

/vs/

1. The Accountant General (Accounts),
A & E, No.361, Anna Salai,
Rostrevor Garden,
Teynampet,
Chennai – 600 018.
2. The Commissioner of Treasuries and Accounts,
3rd Floor, Amma Complex,
Veteinary Hospital Complex,
Nanthanam, Chennai – 600 035.
3. The Pay and Accounts Officer,
Pay and Accounts Office (East),
Thillayadi Valliammai Cooptex Building,
3rd, 4th & 5th Floors,
Pantheon Road,
Egmore, Chennai – 600 008.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to disburse the service benefits of the petitioner's deceased son S.Sureshkumar who



W.P.No.24479 of 2021

worked as Superintendent in the office of the second respondent, to the petitioners on the basis of nomination without insisting legal heir certificate and succession certificate within the time frame.

For Petitioners ... Mr.P.Mani

For Respondents ... Mrs.T.S.Selvarani for R1

No appearance for R2 & R3

ORDER

The petitioners have filed this Writ Petition for issuance of writ of mandamus directing the respondents to disburse the service benefits of the their deceased son S.Sureshkumar, to the petitioners on the basis of nomination, without insisting legal heir certificate and succession certificate within the time frame.

2. The petitioners are the parents of the deceased employee S.Sureshkumar who was working as Superintendent in third respondent office. The wife of the deceased employee has given a complaint against his husband for the offences under Section 498 A and 406 IPC and Section



W.P.No.24479 of 2021

3 and 4 of the Dowry Prohibition Act and a case has been registered and charge sheet has also been filed and taken on file by the Judicial Magistrate – II, Madurai in C.C.No.83 of 2010 on 12.05.2011. The petitioner's son was convicted and on appeal the conviction was set aside and the petitioner's son was acquitted by the VI Additional Sessions Court, Madurai as per the judgment dated 05.10.2012 in C.A.No.33 of 2011. However, on the appeal filed by the *de facto* complainant before the Madurai Bench of this Court, the Sessions Court order was reversed and the condition of trial Court was confirmed in C.A.(MD).No.531 of 2018. The petitioner's son filed a Special Leave Petition before the Hon'ble Supreme Court in S.L.P.No.648/2020. During the pendency of the said petition, the petitioner's son died on 20.07.2020 and the said petition was dismissed as abated. The petitioners who were also accused in the above criminal case and against whom the order of conviction has been passed had filed a separate Special Leave Petition in S.L.P.No.10973 of 2019 and the said petition was disposed stating that the petitioners are permitted to compound the offence and the petitioners need not undergo any sentence, pursuant to the impugned judgment and order passed by the High Court.



W.P.No.24479 of 2021

3. Mr.P.Mani, the learned counsel for the petitioner, submitted that the *de facto* complainant / deceased employee's wife has filed a petition before the Hon'ble Supreme Court to compound the offence and the same is said to be pending; subsequent to the death of the petitioners' son, the petitioners have made a representation to the respondents to disburse their son's death benefits; however the third respondent has sent a communication to the second petitioner to produce certain documents and the petitioners have complied the said instruction.

4. Mr.T.S.Selvarani, the learned counsel for the first respondent, submitted that the marriage between the deceased son of the petitioners and his wife is still in subsistence and hence the petitioner cannot claim they are the only legal heirs of the deceased son.

5. However in view of the latest development as submitted by the learned counsel for the petitioners, the wife of the deceased employee has filed a petition to compound the offence and the same is pending before the Hon'ble Supreme Court. So it is for the respondents to pass appropriate



W.P.No.24479 of 2021

orders depending upon the outcome of those proceedings now pending before the Supreme Court.

6. With the above observations, this Writ Petition is disposed. No costs.

15.02.2024

Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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To:

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W.P.No.24479 of 2021

R.N.MANJULA ,J.

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W.P.No.24479 of 2021

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