



W.P.(MD).No.2398 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2398 of 2024

1. Jothilakshmi

2. Vinothai

... Petitioners

Vs

1. The Secretary to the Government of Tamil Nadu,
Department of Panchayat,
Rural Development and Panchayat Raj,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Madurai District,
Madurai.

3. The Assistant Director,
Department of Panchayat,
Rural Development and Panchayat Raj,
Madurai District.

4. The Commissioner,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.

5. Pitchaiammal

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to disburse the pensionary benefits of Late. Ragupathirajan viz., Social Welfare Fund, Public Provident Fund, Special Provident Fund, Earned and Unearned leave and other benefits to the petitioners together with interest by considering representations, dated 23.03.2023 and 26.10.2023.

For Petitioner : Mr.S.Bharathi

For Respondents : Mr.M.Siddharthan (R1 to R3)
Additional Government Pleader

Mr.Sivanu Pandian (R4)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the the 4th respondent to disburse the pensionary benefits of Late. Ragupathirajan viz., Social Welfare Fund, Public Provident Fund, Special Provident Fund, Earned and Unearned leave and other benefits to the petitioners together with interest by considering representations, dated 23.03.2023 and 26.10.2023.

2.By consent of both parties and considering the limited relief sought for by the petitioner, notice to the fifth respondent is dispensed with and the Writ Petition is taken up for final disposal at the stage of admission itself.



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3.Heard, the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent. Perused the materials on record.

4.The petitioners are the wife and daughter of one Ragupathirajan. He was working as Office Assistant under the 4th respondent office. While in service, he died on 16.05.2007 and he was survived by his wife, daughter and his mother, who is the fifth respondent herein. After his demise, the first petitioner approached the fourth respondent to disburse her husband's death and pensionary benefits. As per the direction of the fourth respondent, the petitioner had filed S.O.P.No.21 of 2007 on the file of Sub Court, Madurai and the same was decreed vide order, dated 05.10.2023. The learned Sub Judge has passed an order that the petitioners are entitled for 2/3 share and the 5th respondent is entitled for 1/3 share in the death, pensionary and other monetary benefits of her husband. Accordingly, the petitioners have received Death cum Retirement Gratuity amount and monthly pension. However, the petitioners have not received the Public Provident Fund, Special Provident Fund, Social Welfare fund and the Earned and Unearned leave. In this regard, the first



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petitioner made a representation to the fourth respondent on 23.03.2023 and 26.10.2023 and the same were not considered. Hence, this petition came to be filed.

5.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby direct the fourth respondent to consider the representations of the petitioners, dated 23.03.2023 and 26.10.2023 and pass appropriate orders in accordance with law, within a period of four (4) weeks, from the date of receipt of a copy of this order.

6.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

06.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
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