



W.P.(MD).No.10307 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.10307 of 2021

and

W.M.P.(MD)No.2274 and 9549 of 2022

K.Nalini

...Petitioner

Vs.

- 1.The Registrar of Co-operative Societies,
N.V.Natarajan Maligai,
Poonthamalli High Road,
Keelpack, Chennai.
- 2.The Joint Registrar of Co-operative
Societies,
Theni District, Theni.
- 3.The Deputy Registrar of Co-operative
Societies,
Uthamapalayam, Theni District.
- 4.The President,
DD-158, Bodinaickanur,
Formers Service Co-operative Society
Ltd.,
2E, Prasath Complex,
Near Town Police Station,
Bodinaickanur-625 813.
- 5.Kamuthai
- 6.Jeyanthi



W.P.(MD).No.10307 of 2021

7.Jeeva

8.Muthukumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 4th respondent to release all the monetary benefits of the petitioner's husband (Late) A.Kannappan and issue to her on the basis of her representation dated 11.12.2020.

For Petitioner	: Mr.M.Sheik Abdullah
For R-1 to R-3	: Mr.M.Sarangan, Additional Government Pleader
For R-4	: Mr.P.Subburaj
For R-5 to R-8	: Mr.S.Vikram

ORDER

The prayer of the writ petition is as follows:

This writ petition has been filed to direct the 4th respondent to release all the monetary benefits of the petitioner's husband (Late) A.Kannappan on the basis of her representation dated 11.12.2020.



W.P.(MD).No.10307 of 2021

WEB COPY

2. The facts and circumstances which led to the filing of this writ petition are as follows:

The petitioner's husband Thiru.A.Kannappan passed away on 20.08.2020 while in service as Clerk in the office of the 4th respondent. The petitioner's marriage was solemnized with the deceased employee, Thiru.A.Kannappan, on 25.04.2002. The respondents 5 to 8 are the sisters and brothers of the deceased employee and the deceased employee's mother one Backiyalakshmi has already passed away. On 12.10.2020, the petitioner made a representation, seeking to settle all her husband's monetary benefits. However, the 4th respondent in his reply dated 27.10.2020 stated that, in view of the objections received from the respondents 5 to 8, they were not able to release the monetary benefits to which the petitioner is entitled to. Since the terminal benefits of the petitioner's husband was not yet disbursed, she made a representation on 20.08.2020 and the same was not considered by the respondents 1 to 4. Hence, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner, Mr.M.Sheik Abdullah submitted that, the deceased employee was survived by the petitioner and his mother namely Backiyalakshmi. However, the mother of



W.P.(MD).No.10307 of 2021

the deceased employee passed away on 05.04.2016. In view of the same, there won't be any impediment for the respondents 1 to 4 to disburse the terminal benefits in her favour, pointing out that the respondents 5 to 8 are only the brothers and sisters of the deceased employee who have nothing to do in the receipt of the terminal benefits and pressed for allowing the writ petition.

4. Despite several opportunities given to the respondents 5 to 8, there is no representation on behalf of them.

5. The learned Additional Government Pleader, Mr.M.Sarangan submitted that, on submission of all the necessary documents including the legal heir certificate of the deceased employee, the respondents would do the necessary, in the instant case.

6. Heard the learned counsels on either sides and carefully perused the materials available on record.

7. Accordingly, the petitioner is directed to submit all the necessary document including the legal heir certificate to the respondents forthwith.



W.P.(MD).No.10307 of 2021

On receipt of the same, the respondents are directed to consider the petitioner's case and pass appropriate orders in accordance with law within a period of eight (8) weeks therefrom.

8. With the above terms, this writ petition stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

22.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
SmlTo

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W.P.(MD).No.10307 of 2021

L.VICTORIA GOWRI, J.

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W.P.(MD).No.10307 of 2021

22.07.2024