



W.P.(MD)No.9013 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.9013 of 2024

and

W.M.P.(MD).Nos.8196 & 8197 of 2024

1.A.Vellammal

2.Bhuvaneshwari

... Petitioners

Vs.

1.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai-625 002.

2.The Education Officer,
Madurai Corporation,
Arignar Anna Maligai,
Madurai-625 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's impugned order in ந.க.எண்.000647/ஒ1/2024 dated 21.02.2024 to quash the same as illegal and directing the first respondent to sanction all monetary benefits regarding Gratuity and GPF to the petitioners.

For Petitioners : Mr.T.R.Subramanian

For R-1 & R-2 : Ms.S.Devasana,
Standing Counsel



W.P.(MD)No.9013 of 2024

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ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Mr.T.R.Subramanian, learned counsel appearing for the petitioners and Ms.S.Devasana, learned Standing Counsel appearing for the respondents.

3. The petitioner has filed this Writ Petition challenging the impugned order of the second respondent in ந.க.எண்.000647/ஒ1/2024 dated 21.02.2024 and consequently directing the first respondent to sanction all monetary benefits regarding Gratuity and GPF to the petitioners.

4. The petitioners are the mother and daughter of the deceased Ayyavu, who stood as a “Guarantor” for the loan availed by one A.Selvaraj from M/s. Shriram Chit Funds India Private Limited. Since the said A.Selvaraj committed default, the said M/s. Shriram Chit Funds India Private Limited initiated proceedings and got an award and subsequently, filed an Execution Petition in E.P.No.368 of 2022 for executing the said award by impleading the



W.P.(MD)No.9013 of 2024

second respondent as a Garnishee. Consequent to the death of the said A.Selvaraj, the Execution Petition was dismissed as regards the second respondent and the petition is still pending as against the respondent Nos.1 and 3. Once the Execution Petition against the employee by name, A.Selvaraj, was dismissed, the Garnishee does not have any role to play. Even in the absence of any orders of the Court, it is inappropriate that the first respondent has withheld the terminal benefits payable to the petitioners due to the death of A.Selvaraj. The petitioners being the legal representatives of the deceased A.Selvaraj, are entitled to get terminal benefits of the said A.Selvaraj.

5. As there is no order of stay to disburse the above benefits as against the first respondent and there is no claim against the deceased A.Selvaraj, the first respondent shall not withhold any of his terminal benefits payable to the legal heirs of the deceased A.Selvaraj, who are the petitioners herein. Since the first respondent has not sent the proposal to the Accountant General, the petitioners are unable to get the terminal benefits.

6. Since nothing would prevent the first respondent from issuing any proceedings / orders / proposal for sanctioning the terminal benefits of the legal heirs of the deceased A.Selvaraj, the impugned order is liable to be set aside



W.P.(MD)No.9013 of 2024

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7. In view of the reasons stated above, this Writ Petition is **allowed** and the impugned order passed by the second respondent in ந.க.எண். 000647/௨1/2024இ, dated 21.02.2024, is set aside and the first respondent is directed to reconsider and decide the issue on its own merits and in accordance with law in favour of the petitioners. No costs. Consequently, connected miscellaneous petitions are closed.

12.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG

To

- 1.The Commissioner,
Madurai Corporation,
Arignar Anna Maligai,
Madurai-625 002.
- 2.The Education Officer,
Madurai Corporation,
Arignar Anna Maligai,
Madurai-625 002.



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W.P.(MD)No.9013 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.9013 of 2024

12.04.2024