



W.P.(MD).No.11122 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.11122 of 2021

Muthu @ Muthirulayee

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Ramanathapuram.
- 2.The Superintendent of Police,
O/o the Superintendent of Police,
Ramanathapuram-623 504.
- 3.The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District-623 504.

4.A.Chitra Devi

... Respondents

*(R4 is impleaded vide Court order, dated 22.04.2024 in
W.M.P(MD)No.10071 of 2021)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to disburse all monetary benefit of the deceased son namely Ashokumar/petitioner's son to the petitioner as a legal heir of deceased as mother and consequently direct to fixed deposit the share of the minor Child of



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the deceased's daughter namely Samrudha/petitioner's Grand-daughter vide the deceased employment in P.C.No.1329 with CPF/CPS No:7117873/POL on the basis of the petitioner's representation, dated 01.06.2021 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.R.Senthilkumar

For R1-R3 : Mr.D.Gandhiraj
Government Advocate

For R4 : Mr.R.Raamanathan

ORDER

The present writ petition has been filed seeking a direction to the 2nd respondent to disburse all monetary benefits of the deceased son namely Ashokumar/petitioner's son to the petitioner as a legal heir of deceased as mother and consequently direct to fixed deposit the share of the minor Child of the deceased's daughter namely Samrudha/petitioner's Grand-daughter vide the deceased employment in P.C.No.1329 with CPF/CPS No:7117873/POL on the basis of the petitioner's representation, dated 01.06.2021.

2. The petitioner is the mother of one Ashok Kumar, who is the deceased employee of the 2nd respondent authority. The petitioner is a widow whose



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husband one Krishnan died in the year 1991. Her son Ashok Kumar joined service in police department on 15.03.2010. He had married one Chithradevi who is a Police Constable on 29.06.2015 and she is presently working in All Women Police Station in Ramanathapuram. They were blessed with one female child on 25.02.2020. Whiles, unfortunately the son of the petitioner, namely Ashok Kumar died in Police Quarters at Ramanathapuram. He was survived by Chithradevi his wife, their daughter and the petitioner. The petitioner being a nominee of the deceased employee, is entitled to receive her share of monetary benefits in his death benefits and hence, she made a representation on 01.06.2021 in this regard. Since the same was not considered, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner submitted that in view of the fact that the petitioner is a mother of the deceased employee and the deceased employee being survived by three legal heirs, the petitioner is entitled to 1/3rd of the death benefits of the deceased employee, namely Ashok Kumar. Hence, he pressed for allowing the writ petition.



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4. The learned Special Government Pleader has filed a status report of the 2nd respondent. The said report would reveal that, the deceased employee's wife, namely Chithra Devi has given her consent to give the appropriate share of the Contributory Pension Scheme benefit funds of her deceased husband to her mother-in-law, namely Muthirulayee i.e., the petitioner herein.

5. The learned counsel for the 4th respondent conceded to the same.

6. In view of the same, this Court is of the considered view that, the mother of the deceased employee who suffers in penury on the death of her son should not be allowed to suffer by denying her with an appropriate share in the death benefits of her son on the basis of any extant rules. Accordingly, this Court hereby directs the respondents 2 and 3 to consider the petitioner's representation, dated 01.06.2021 and pass appropriate orders disbursing 1/3rd share of the Contributory Pension Scheme benefit funds of the deceased Ashok Kumar in favour of the petitioner. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.



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7. Accordingly, this Writ Petition stands allowed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

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