



WP(MD) No.11546 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11546 of 2024
and
W.M.P(MD)No.10290 of 2024

Kiruthika

... Petitioner

Vs.

1.The Director

Medical and Rural Health Services,
(ESI) Chennai – 6.

2.The Zonal Administrative Medical Officer,

Zonal Administrative Medical Office,
(ESI) Tirunelveli.

3.The Medical Officer - in Charge,

ESI Dispensary,
Karunkal,
Kanyakumari District.



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4.The Branch Manager

SBI Life Insurance Company Ltd.,
Office at 1st Floor, 1/4, S.L.B. South Street,
Nagercoil,
Kanyakumari District.

5.The Branch Manager

State Bank of India,
Vadiveeswaram Branch,
Vadiveeswaram,
Nagercoil,
Agasteeswaram Taluk,
Kanyakumari District.

6.Ramadhass

...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 respondents 1 to 3 to disburse the death benefits/service benefits family pension, P.F., Gratuity, Leave Allowance and for appoint for Compassionate Ground to the petitioner and the 4th respondent to



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disburse the death benefits of the petitioner's deceased husband
Ratheesh Kumar son of Ramadass to the petitioner.

For Petitioner : Mrs.S.Vijayashanthi

For Respondents : Mr.M.Lingadurai – for R1 to R3

Special Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 3 to disburse the death benefits/service benefits family pension, P.F., Gratuity, Leave Allowance and to appoint the petitioner on Compassionate Ground and the 4th respondent to disburse the death benefits of the petitioner's deceased husband Ratheesh Kumar son of Ramadass to the petitioner.

2. Heard Mrs.S.Vijayashanthi, learned counsel for the



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petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 3.

3. In view of the order now passed by this Court, notice to the respondents 4 to 6 is dispensed with.

4. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

5. The petitioner married one Ratheeshkumar on 08.02.2021 who was working as an Assistant in ESI Dispensary at South Perumalpuram, Aralvoimozhi, Kanyakumari District. The said Ratheeshkumar was brutally attacked and murdered on 13.07.2022. The petitioner claims herself as class-I legal heir of Ratheeshkumar and claims all his terminal cum death benefits, including compassionate appointment, a representation has also been given by her in this regard to the respondents on 19.09.2022.



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Since the said representation was not considered by the respondents so far, the present writ petition has been filed.

6. The only objection raised by the learned Special Government Pleader for the respondents 1 to 3 is about the genuineness of the claim made by the petitioner.

7. It is learnt that the petitioner has been required to furnish certain documents by sending a communication from the office of the first respondent. In such case, if the essential requirements are fulfilled by way of furnishing the essential documents nothing would prevent the respondents to pass appropriate orders.

8. Hence, the petitioner is permitted to furnish all the documents which are required by the respondents and which are in her hands in support of her claim to the respondent authorities and



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on production of the same, the respondents 1 to 3 shall pass orders within a period of eight weeks. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the respondents 1 to 3 to consider the representation of the petitioner on its own merits and in accordance with law.

9. With the above direction, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

03.06.2024

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

RM



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11546 of 2024

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