



WP(MD) No.11795 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.06.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.11795 of 2024

Venkateshwaran

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Chennai.

2.The Chief Engineer (H),
Planning Design and Investigation Wing,
Highways Department, Chennai.

3.The Divisional Engineer (H),
Construction and Maintenance Wing,
Highways Department,
Madurai.



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4.The Divisional Manager (H),

Planning, Design and Investigation Wing,
Highways Department, Madurai.

5.Assistant Divisional Engineer (H),

Planning Design and Investigation Wing,
Sivagangai Sub-Division, Highways Department,
Sivagangai.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the petitioner's portion of all death cum terminal benefits of petitioner's brother Ayyappan including the Gratuity, Provident Fund and Earned and Unearned leave salary with interest @ 7.5% p.a. to the petitioner within the time that may be prescribed by this Court.

For Petitioner : Mr.D.Venkatachalam

For Respondents : Mr.J.Ashok

Additional Government Pleader



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ORDER

The present writ petition has been filed seeking a Writ of Mandamus to direct the respondents to pay the petitioner's portion of all death cum terminal benefits of petitioner's brother Ayyappan including the Gratuity, Provident Fund and Earned and Unearned leave salary with interest @ 7.5% p.a. to the petitioner within the time stipulated by this Court.

2. Heard Mr.D.Venkatachalam, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents.

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

4.The petitioner and two sisters, who claims to be the Class-II legal heirs of the deceased brother Ayyappan has filed this



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Writ Petition seeking for a direction against the respondents to pay the petitioner's brother Ayyappan's death-cum-terminal benefits.

5. The petitioner submitted that the deceased Ayyappan did not have any Class-I legal heirs during his life time. Even his marriage had ended in divorce and he did not have any issues out of his marriage. Since the petitioner's claim is pending without any disposal with the respondents, despite the petitioner's brother Ayyappan died long back on 14.01.2019, the petitioner has filed this writ petition.

6. It is further submitted that the third respondent has forwarded the representation of the petitioner, dated 05.03.2022 to the second respondent and the same is pending.

7. Considering the facts and circumstances of the case, the second respondent is directed to consider the representation of



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the petitioner, dated 05.03.2022 and pass orders on its own merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition stands disposed of. No costs.

06.06.2024

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

RM



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- 5.Assistant Divisional Engineer (H),
Planning Design and Investigation Wing,
Sivagangai Sub-Division, Highways Department,
Sivagangai.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.11795 of 2024

Dated:
06.06.2024