



W.P.(MD)No.12148 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.12148 of 2024

Arockiyamary

... Petitioner

vs.

1.The District Collector,
Thiruchirapalli.

2.The Registrar (Birth and Death)
Thiruchirapalli City Corporation Ward 27,
Thiruchirapalli.

3.General Manager,
Trichy District Co-operative Milk Producers Union,
Pudukottai Road,
Kottapattu, Trichy.

4.Usha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to consider the representation dated 19.07.2023 and disburse the terminal benefits including any amount payable to the petitioner on the demise of Sankaran who was employed under the third respondent.



W.P.(MD)No.12148 of 2024

For Petitioner : Mr.S.M.Arun Kumaar
For Respondents : Mr.J.Ashok,
Additional Government Pleader
for R1 and R2
Mr.J.Devasenan for R3

ORDER

Heard Mr.S.M.Arun Kumaar, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.J.Devasenan learned counsel appearing for the third respondent.

2. The petitioner is the wife of the deceased Sankaran, who was employed as Marketing Manager under the third respondent District Co-operative Milk Producers Union. The petitioner's husband died on 07.07.2023 while in service. But, the petitioner was not given with any terminal benefits of her husband despite she had given representation to the first respondent on 19.07.2023. Hence, the writ petition.



W.P.(MD)No.12148 of 2024

WEB COPY

3. Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner has not furnished the Legal Heirship Certificate and that caused the delay in processing the matter further. It is his further submission that the fourth respondent, by name, Usha also claims herself as a wife of the deceased employee and she had obtained a Death Certificate dated 24.07.2023 for the deceased employee by showing herself as his wife.

4. Mr.S.M.Arun Kumaar, learned counsel appearing for the petitioner submitted that many documents evidencing the petitioner's capacity as the wife of the deceased employee has not been considered by the respondents.

5. If the petitioner encounters a dispute as to her status as the wife of the deceased employee, she has to workout her remedy by way of filing a civil suit before the appropriate Court, otherwise, the respondents would go according to the nomination details submitted by the deceased employee to the third respondent Union. However, the first respondent



W.P.(MD)No.12148 of 2024

cannot remain simply silent without passing orders on the representation made by the petitioner.

6. In view of the same, the writ petition is **disposed of** and the first respondent is directed to consider the representation of the petitioner dated 19.07.2023 on its own merits and pass orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs.

11.06.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

mbi

To

- 1.The District Collector,
Thiruchirapalli.
- 2.The Registrar (Birth and Death)
Thiruchirapalli City Corporation Ward 27,
Thiruchirapalli.



WEB COPY



W.P.(MD)No.12148 of 2024

R.N.MANJULA, J.

mbi

W.P.(MD)No.12148 of 2024

11.06.2024