



W.P.(MD)No.14679 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2024

CORAM:

THE HONOURABLE **MS.JUSTICE R.N.MANJULA**

W.P.(MD)No.14679 of 2024

K.Karthikeyan

...Petitioner

/Vs./

1.The Superintendent of Police,
Ramanathapuram District.

2.The Principal Accountant General (A&E),
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai – 600 018.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned order in No.P05/2/10535932/ADK/1602 dated 12.06.2024 on the file of the Respondent No.2 and quash the same as illegal and consequently for a direction, directing the Respondents to disburse the gratuity, leave salary, arrears of pension of the petitioner's deceased brother namely K.Krishnamoorthy for the period from 15.10.2007 to 30.01.2023 to the petitioner within the time period stipulated by this Court.



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For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mr.N.Ramesh Arumugam (R1)
Government Advocate
Mr.P.Gunasekaran (R2)

ORDER

This writ petition has been filed challenging the impugned order passed by the second respondent in No.P05/2/10535932/ADK/1602 dated 12.06.2024 with a consequential direction to the Respondents to disburse the gratuity, leave salary, arrears of pension of the petitioner's deceased brother namely K.Krishnamoorthy for the period from 15.10.2007 to 30.01.2023 to the petitioner within the time period stipulated by this Court.

2. Heard Mr.T.Aswin Raja Simman, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the first respondent and Mr.P.Gunasekaran, learned counsel appearing for the second respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The petitioner challenges the impugned order dated 12.06.2024, through which, the proposal to release the terminal benefits of the petitioner's deceased brother namely K.Krishnamoorthy, has been returned on the following reasons:-

*“1.GOV'T RATIFICATION ORDERS FOR OPENING
DUPLICATE SR REQUIRED.*

*2.AS PER THE LHC THERE ARE 2 LEGAL HEIRS (1
BROTHER & 1 SISTER).*

*3.SUCCESSION CERTIFICATE SHOULD BE
OBTAINED.*

*4.APPLICATION FOR CLAIMING LTA BENEFITS
NOT ENCLOSED. THE SAME MAY BE FILLED BY THE
APPLICANT AND DULY COUNTERSIGNED BY THE DEPT.*

*5.ALL THE DOCUMENTS DULY COUNTERSIGNED
BY THE DEPT WITH SEAL.*

*ALONG WITH RELEVANT DOCUMENTS MAY BE
FORWARDED.”*

4. When the matter is taken up for hearing, the learned counsel appearing for the second respondent submitted that they do not press the written remark No.3, ie., succession certificate should be obtained.



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5. The learned counsel appearing for the petitioner submitted that even the first remark is unreasonable.

6. On perusal of the proceedings issued by the first respondent, in his in Na.Ka.No.K2/2415369/2023, dated 15.05.2024, it is seen that he has explained as to why it was necessitated to open the duplicate SR and that there is no necessity to get any ratification order from the Government.

7. Considering the facts and circumstances of the case, the written remarks Nos. 2, 4 and 5 shall be complied with by the petitioner as well as the first respondent and the proposal shall be re-submitted by the petitioner along with the copy of this order. The second respondent shall also release the terminal benefits of the petitioner's deceased brother namely K.Krishnamoorthy, to the petitioner, within a period of one month from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition stands disposed of. No costs.

04.07.2024

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

- 1.The Superintendent of Police,
Ramanathapuram District.
- 2.The Principal Accountant General (A&E),
Office of the Principal Accountant General,
No.361, Anna Salai,
Chennai – 600 018.



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R.N.MANJULA J.

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Order made in
W.P.(MD)No.14679 of 2024

Dated:
04.07.2024