



**W.P.(MD).No.24083 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.10.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.24083 of 2024**

Indira

... Petitioner

VS

1.The Accountant General (A&E),  
O/o.TamilNadu Accountant General Office,  
361, Anna Salai,  
Teynambet,  
Chennai-18.

2. The Director,  
O/o.Medical and Rural Health Service,  
DMS Complex,  
Anna Salai,  
Chennai.

3. The Joint Director,  
O/o.Medical and Rural Health Services,  
Sivagangai,  
Sivagangai District.

4. The Chief Medical Officer,  
Government Hospital,  
Manamadurai,  
Sivagangai District.

... Respondents



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**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, to direct the 4<sup>th</sup> respondent to disburse death benefits of petitioner's son namely Mr.K.Chandru, who was worked as Radiographer at the Government Hospital, Manamadurai and died during the work period, by considering petitioner representations dated 12.09.2024 in accordance with law.

|                       |                                           |
|-----------------------|-------------------------------------------|
| For Petitioner        | : Mr.D.Balamurugapandi                    |
| For Respondent 1      | : M/s.S.Mahalakshmi<br>Standing Counsel   |
| For Respondent 2 to 4 | : Mr.S.S.Mahadevan<br>Government Advocate |

### **ORDER**

The instant writ petition has been filed by the mother of one K.Chandru seeking a mandamus to direct the 4<sup>th</sup> respondent herein to disburse the terminal cum death benefits of her son.

2. The petitioner's son was working as Radiographer in the 4<sup>th</sup> respondent hospital, and he passed away on 04.09.2011. The said K.Chandru initially got married with one Celin on 10.02.1995, and they were blessed with a female child namely Sowmya.



**W.P.(MD).No.24083 of 2024**

3. Later, due to misunderstanding, they have separated, and got divorce through Court in H.M.O.P.No.16 of 2005 on the file of the learned Sub-Judge, Nilgiris by way of an order dated 14.03.2005. Thereafter, the petitioner's son got married with one Selvambigai. However, his second marriage was also not successful, and the said K.Chandru had filed a case in H.M.O.P.No.17 of 2011 on the file of the learned Sub Judge, Ramanathapuram seeking divorce. During the pendency of the said divorce petition, the said K.Chandru had passed away on 04.09.2011.

4. In view of the above said circumstances, the second wife Selvambigai had filed Succession Original Petition No.1 of 2015 before the learned Principal District Judge, Ramanathapuram. The petitioner, first wife i.e., Celin and her daughter Sowmya were impleaded as the respondents in the said Succession Original Petition. The learned Principal District Judge, Ramanathapuram had passed an order dated 11.03.2020, and had issued Succession Original Petition in favour of the second wife namely Selvambigai, and in favour of the mother of the deceased Indira/petitioner herein, and also in favour of his daughter Sowmya.



**W.P.(MD).No.24083 of 2024**

WEB COPY

5. In the light of the above said facts, the present writ petition has been filed by the mother of the deceased seeking disbursement of terminal benefits of the deceased K.Chandru.

6. The learned Government Pleader appearing for respondent Nos.2 to 4 has brought to the notice of this Court that the 4<sup>th</sup> respondent has already addressed a communication to the writ petitioner, dated 10.06.2024, directing the writ petitioner to obtain an affidavit from the other legal heirs with regard to consent for remitting terminal benefits in the account of the writ petitioner with an undertaking by the writ petitioner that she would disburse all the terminal benefits to the other legal heirs of the deceased.

7. Therefore, according to the learned counsel appearing for respondent Nos.2 to 4, as per the rules of the first respondent, the terminal benefits cannot be disbursed to different accounts, and it can only be disbursed to a single account.

8. The learned counsel appearing for the petitioner, on instructions, submitted that his client has no objection to equally share the terminal



**W.P.(MD).No.24083 of 2024**

benefits of the deceased K.Chandru along with Celin and Sowmya, who are the first wife and daughter of the deceased K.Chandru.

9. In view of the above said facts, this Court is inclined to pass the following order :

(i) Mrs.Indira (Writ Petitioner/mother of the deceased), Mrs.Selvambigai (second wife of the deceased) and Mrs.Sowmya (daughter of the deceased) are directed to submit independent applications to the fourth respondent herein indicating the details of the bank account number and other details for remitting their share from the terminal benefits. After receiving those details, the 4<sup>th</sup> respondent herein is directed to forward such proposal to the first respondent within a period of six (6) weeks from the date of receipt of documents from the concerned parties.

(ii) On receipt of the proposal from the fourth respondent, the first respondent is directed to equally share the terminal benefits of deceased K.Chandru and remit the same equally to Mrs.Indira, Mrs.Sowmya and Mrs.Selvambigai into their receptive bank account within a period of two (2) weeks thereafter.



**W.P.(MD).No.24083 of 2024**

WEB COPY

10. With the above said observation, this writ petition stands disposed of. No costs.

**23.10.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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**W.P.(MD).No.24083 of 2024**

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**W.P.(MD).No.24083 of 2024**

**R.VIJAYAKUMAR,J.**

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**W.P(MD)No.24083 of 2024**

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