



WP(MD). No.26298 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 20.12.2024

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.26298 of 2022

Subhadra Amma

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Employment and Training,
Fort St. George,
Chennai – 600 009.
2. The Director of Employment and Training,
Thiru Vi.Ka. Industrial Estate,
Guindy,
Chennai – 600 032.
3. The Regional Joint Director of Training,
NGO Colony,
Perumalpuram Post,
Tirunelveli – 627 007.
4. Nirmala Institute of Technology,
Manalikkarai,
Manalikkarai Post,
Kanyakumari District,
Rep. by its Correspondent.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



WP(MD). No.26298 of 2022

seeking for the issuance of a Writ of Mandamus, to direct the respondents to pay the petitioner all the retiral benefits of her deceased brother N.Lakshmanan Nair, who worked as Welder Instructor in the 4th respondent Institute and retired with effect from 30.04.2005, within a time to be fixed by this Court.

For Petitioner	: Mr.K.N.Thambi
For R1 to R3	: Mr.P.T.Thiraviam, Government Advocate
For R4	: Mr.S.Xavier Rajini

ORDER

The petitioner is the sister of late N.Lakshmanan Nair, who worked in the 4th respondent Institute and retired from service on 30.04.2005. She claims that after the retirement, the said N.Lakshmanan Nair had pursued for his retirement benefits. Since he had some issue with the 4th respondent Management, the 4th respondent Management did not send any proposal for his retirement benefits. Thereafter, the said Lakshmanan Nair died on 29.06.2009. According to the petitioner, she is the legal heir of Lakshmanan Nair and therefore, she has pursued the claim of retirement benefits due to the said Lakshmanan Nair from 2009. Since the same has not been considered, she was constrained to file this writ petition for a Mandamus, directing the respondents to pay all the



WP(MD). No.26298 of 2022

retirement benefits of her deceased brother N.Lakshmanan Nair within a stipulated time.

2. The learned Government Advocate appearing for the respondents 1 to 3 submits that the 2nd and 3rd respondent can consider the eligibility of pension only based on a proposal made by the 4th respondent. But, in this case, the 4th respondent has not made any proposal in this regard and therefore, they are not in a position to pay the retirement benefits, if any, due to late N.Lakshmanan Nair.

3. The learned counsel appearing for the 4th respondent seeks for a short accommodation to get instructions and to file a counter affidavit.

4. The petitioner is the legal heir of the said Lakshmanan Nair, who worked in the 4th respondent Institute and allowed to retire from service in the year 2005. After the retirement, the said Lakshmanan Nair pursued his retirement benefits and he died in the year 2009. Thereafter, the petitioner is pursuing the claim of the retirement benefits due to Lakshmanan Nair from the year 2009. However, the same has not been



WP(MD). No.26298 of 2022

considered by the 4th respondent.

WEB COPY

5. The 4th respondent neither sent any proposal nor filed any counter affidavit that the said N.Lakshmanan Nair is not eligible for the retirement benefits.

6. Since the 4th respondent has not disputed the averment made by the petitioner in this writ petition, as to the claim of retirement benefits due to Lakshmanan Nair, by filing any counter affidavit, this writ petition is allowed with a direction to the 4th respondent to send a proposal for the eligible retirement benefits of late N.Lakshmanan Nair to the 2nd and 3rd respondents within a period of six weeks from the date of receipt of copy of this order. The respondents 2 and 3 shall take a call on the proposal, if any, made by the 4th respondent, within a period of twelve weeks from the date of receipt of the proposal. No costs.

20.12.2024

ogy

NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.



WP(MD). No.26298 of 2022

To
WEB COPY

1. The Secretary,
Department of Employment and Training,
Fort St. George,
Chennai – 600 009.
2. The Director of Employment and Training,
Thiru Vi.Ka. Industrial Estate,
Guindy,
Chennai – 600 032.
3. The Regional Joint Director of Training,
NGO Colony,
Perumalpuram Post,
Tirunelveli – 627 007.
4. The Correspondent,
Nirmala Institute of Technology,
Manalikkarai,
Manalikkarai Post,
Kanyakumari District,



WEB COPY



WP(MD). No.26298 of 2022

B.PUGALENDHI, J.

ogy

WP(MD)No.26298 of 2022

20.12.2024