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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.6038 of 2025  
and W.M.P.No.6632 of 2025

Suguna

.. Petitioner

Vs.

1. The Secretary to the Government,  
Department of Municipal Administration & Water Supply,  
Secretariat,  
Chennai – 600 001.
2. The Commissioner,  
Corporation of Coimbatore,  
Coimbatore District.
3. The Deputy Commissioner of Corporation,  
Coimbatore City Municipal Corporation, South Zone,  
Coimbatore District.
4. The Executive Officer,  
Kurichi Municipality,  
Coimbatore District – 641 023.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2<sup>nd</sup> respondent to give death benefits of Palanisamy who was working as Sanitary Worker in 4<sup>th</sup> respondent's office and died while in service on 17.11.2020 to the petitioner within three months.



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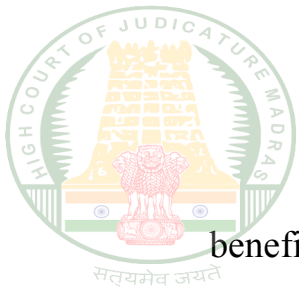


|                |                        |
|----------------|------------------------|
| For Petitioner | .. Mr.P.Krishnamoorthy |
| For R1 & R2    | .. Mr.C.Selvaraj, AGP  |
| For R2 & R3    | .. Ms.R.Preethikaa     |
|                | For D.R.Arunkumar      |

### ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the 2<sup>nd</sup> respondent, the Commissioner, Coimbatore Corporation, Coimbatore, to pay the death benefits of R.Palanisamy, who was working as Sanitary Worker in the office of the 4<sup>th</sup> respondent, Executive Officer, Kurichi Municipality, Coimbatore District and died while in service on 17.11.2020, to the petitioner.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner is the wife of R.Palanisamy. It had been stated that he was working as Sanitary Worker in the 4<sup>th</sup> respondent Municipality. His services were also regularized by proceedings of the 4<sup>th</sup> respondent dated 18.06.2021. It had been stated that the petitioner had married Palanisamy on 20.10.2002 and they have two female children. However, the husband died on 17.11.2020. The petitioner had been seeking payment of the terminal



benefits to her in her capacity as legal representative.

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3. Correspondences have been exchanged claiming that the 2<sup>nd</sup> respondent had been visited with an objection raised by one P.Manikandan, claiming that he is also a legal heir of the deceased R.Palanisamy. In those circumstances, the Deputy Commissioner, South Zone of Coimbatore Municipality had addressed a letter to the Tahsildar, Madukarai Taluk at Coimbatore District on 20.06.2023 in Na.Ka.No.581/2023/Ee4(South) calling upon the genuinity of the legal heirship certificate produced by the petitioner herein. A reply had been given by the Tahsildar, Madukarai on 04.10.2023 in Na.Ka.897/2023/A6 stating that the legal heirship certificate produced by the petitioner is a genuine document issued by the office of the Tahsildar, Madukarai.

4. Thereafter, the Deputy Commissioner, South Zone, Coimbatore Corporation, addressed a letter to the rival claimant P.Manikandan on 17.10.2023 in Na.Ka.No.581/2023/E4 (South) giving him time to respond to the legal heirship certificate produced by the petitioner and asking him to raise his objections within a period of seven days. It had been very



specifically stated that if he did not place any objections, then the terminal benefits which had accrued to be paid to Palanisamy would be paid to the petitioner herein.

5.The learned counsel for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents / Coimbatore Corporation stated that their office had also received objections from the said P.Manikandan, who claimed that he had documents to substantiate his claim.

6.The records reveal that the petitioner cannot be non-suited and her claim cannot be denied since she is the widow of R.Palanisamy. Even if Manikandan, claims to be a legal heir, he can only be one of the sharers, but the status of the petitioner cannot be either denied or disputed. The respondents need not retain the terminal benefits with them without paying the same to anybody. They can take an undertaking from the petitioner herein that if on enquiry it is found that Manikandan is also entitled to share, then the petitioner would disburse his share to him.

7.The learned counsel for the 2<sup>nd</sup> and 3<sup>rd</sup> respondents further stated that



there is a further issue of grant of compassionate employment. That is a separate issue which will have to be addressed by the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

8.The rival claimant, P.Manikandan may also be directed to approach the Civil Court to establish his status as a legal heir since the legal heirship certificate produced by the petitioner herein had been declared to be a genuine one by the Tahsildar Madukarai.

9.If the 2<sup>nd</sup> and 3<sup>rd</sup> respondents delay in paying out the retirement benefits, then, they would have to pay interest on the same. It would further cause a loss to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents. It is also to be noted that the said P.Manikandan is not a party to the present writ petition. But however, if he is able to establish his claim, then certainly, he can establish a claim for a share of a terminal benefit, but cannot prevent the terminal benefit paid to the petitioner herein. He can claim his share from the petitioner and such an undertaking can be given by the petitioner to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents.

10.In view of the above discussions, this Writ Petition stands disposed



of with the direction to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to get an undertaking from the petitioner, that if Manikandan lays a claim for a share in the terminal benefits then in accordance with the rules and regulations, the petitioner would disburse his share of the terminal benefits to the said Manikandan.

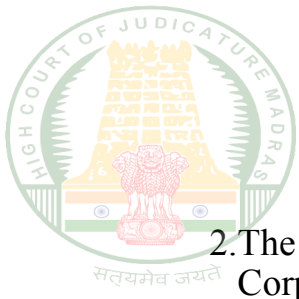
11.Placing these obligations on both the petitioner, the retirement benefits may be paid to the petitioner herein within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

01.04.2025

Index:Yes/No  
Internet:Yes/No  
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To

1. The Secretary to the Government,  
Department of Municipal Administration & Water Supply,  
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Chennai – 600 001.



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**C.V.KARTHIKEYAN,J.**

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