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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM

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

W.P.No.27027 of 2024

1.A.Saravanan

2.E.Usha

.. Petitioners

Vs.

1.The Director of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Commissioner,
Tiruvannamalai Municipality,
Tiruvannamalai.

3.The Assistant Director,
Local Fund Audit,
O/c. Local Fund Audit, Complex
4th Floor, Nandanam,
Chennai – 600 003.

4.The Thasildar,
Tiruvannamalai.
(R4-Suo motu impleaded as per order
dated 20.03.2025 in W.P.No.27027 of 2024)

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the retirement benefits payable to the said Gangammal like gratuity, encashment of earned leave, unearned leave, pension commutation, DCRC with interest to the petitioners by considering the petitioners' representations dated 11.09.2023, 05.08.2024.

For Petitioners .. Mr.R.Arumugam

For Respondents .. Mr.C.Selvaraj, AGP

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the respondents to disburse the retirement benefits payable to Gangammal, the grandmother of the petitioners herein including gratuity, encashment of earned leave, unearned leave, pension commutation and DCRC together with interest to the petitioners. The petitioners had given representations on 11.09.2023 and again on 05.08.2024.

2.In the affidavit filed in support of the writ petition, it had been stated that the maternal grandfather of the petitioners Chinnabalan was



employed under the 2nd respondent / Tiruvannamalai Municipality and died while in service. After his death, the maternal grandmother of the petitioners, Gangammal was appointed on compassionate grounds by order dated 11.11.1991. She had only one daughter Selvi. The two petitioners were born to Selvi. The father of the petitioners, Arumugam died on 17.09.1992 and their mother also died on 06.05.2000. The maternal grandmother wanted the petitioners to be nominated as her legal heirs in the service records. She filed O.S.No.141 of 2018 on the file of the District Munsif Court, Tiruvannamalai. The suit was however dismissed on 19.10.2022 since she failed to produce the relevant records. The grandmother Gangammal died on 27.08.2022 while in service. She had nominated the petitioners as her lawful legal heirs. The petitioners claims that the terminal benefits should be paid to them.

3.In order to determine the relationships, this Court had directed the Tashildar, Tiruvannamalai to conduct an enquiry and also directed the petitioners to participate in the enquiry. A report has been forwarded by the Tashildar, Tiruvannamalai, in which he had stated as follows:



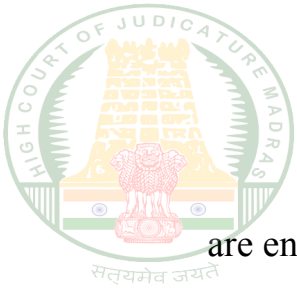
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“2.I, submit that the petitioners appeared on 28.03.2025 before me and enquired. As per the relationship certificate issued by then Tahsildar, Tiruvannamalai and the statement of the petitioners the following fact are revealed.

- The petitioners are the son and daughter of late Arumugam and late Selvi*
- The mother of late Selvi was late Gangammal.*
- The late Gangammal was employed as sweeper in Tiruvannamalai Municipality as per her appointment order dated 11.11.1991.*
- The above said Gangammal expired while in service on 27.08.2020.*
- The above said late Selvi is the only daughter of late Gangammal and late Chinnabalan.*
- The above said Saravanan and Usha are the late Gangammal's Grandson and granddaughter.*
- The Relationship Certificate issued by then Tahsildar Tiruvannamalai is a genuine one though certificate number has not been noted inadvertently.”*

4.It is thus seen that the petitioners are the only legal heirs of late Gangammal, who was employed as a sweeper in Tiruvannamalai Municipality in accordance with her appointment order 11.11.1991 and who died while in service on 27.08.2020. It is thus also seen that the petitioners



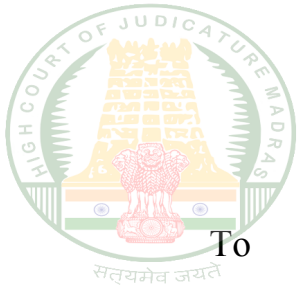
are entitled to the terminal benefits payable to Gangammal.

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5.A direction is given to the 2nd respondent to disburse the terminal benefits in favour of the petitioners within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands allowed. No costs.

15.04.2025

Index: Yes/No
Internet: Yes/No
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To

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