



WEB COPY



W.P.No.28499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19/2/2025

C O R A M

The Hon'ble **Ms.JUSTICE BHAVANI SUBBAROYAN**

Writ Petition No.28499 of 2023

Monisha

...

Petitioner

Vs

1. The District Collector
O/o The District Collector
Thiruvarur District.
2. The Deputy Director of Agriculture (AB)
O/o Deputy Director of Agriculture
Department of Marketing and Agri Business
Thiruvarur District.

3. Chinaiyan

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents 1 and 2 to disburse the service benefits of the deceased mother Jacquelinemary worked as Assistant in the second respondent office, pursuant to the petitioner's representation dated 7/6/2023, to the petitioner.



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For petitioner	...	Mr.P.Muthamizhselvakumar
For respondents	...	Mrs.C.Meera Arumugam Additional Government Pleader for R.R.1 and 2

R.3 served – No appearance.

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to disburse the service benefits of the petitioner's deceased mother Jacquinemary, who worked as Assistant in the second respondent office, based on the representation of the petitioner dated 7/6/2023.

2. Brief facts which are necessary for the disposal of the writ petition are as follows:-

The petitioner's mother was working as Assistant in the Department of Agriculture, Sales and Marketing. Third respondent, who is the husband of the deceased, working as a Co-ordinator in the Department of Tamil Nadu Anganwadi at Government Higher Secondary School, Vazhkudi, Nagapattinam District and later, he was separated from the deceased.



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Thereafter, he married one Inbakani and out of their wedlock, two children were born and he entered the name of the spouse in the service record as Inbakani.

3. After separation, deceased and the petitioner were living together from the income derived from the employment of the deceased. Due to health issues, mother of the petitioner was expired at Government Medical College, Tiruvarur. The deceased mother had executed an unregistered testamentary dated 9/10/2022 wherein it is stated that she nominated the petitioner for getting service benefits from the Government. In the legal heir certificate dated 24/2/2023, it is mentioned that the third respondent as a first legal heir, who got separated from the petitioner and the petitioner as the second legal heir, who was married.

4. Thereafter, the petitioner had approached the Deputy Director of Agriculture dated 31/5/2023 seeking the benefits of her deceased mother. Vide, communication dated 14/3/2023, third respondent approached the second respondent seeking the benefits of his deceased wife stating that as per the Rules, benefits of the deceased to be given as per the legal heir



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certificate. Thereafter, the petitioner had sent a representation dated 7/6/2023 to the second respondent. Since the same has not been answered, the petitioner has come up with the present writ petition praying for the relief as stated therein.

5. Heard Mr.P.Muthamizhselvakumar, learned counsel for the petitioner and Mrs.C.Meera Arumugam, learned Additional Government Pleader for the respondents 1 and 2. Notice to the third respondent was served on 17/10/2023, but nobody has filed vakalat till date.

6. Admittedly, deceased is the wife of the third respondent. Since, he got separated from her and married one Inbakani, this Court is of the considered view that the name of the third respondent cannot be considered for availing the service benefits of the deceased. Considering the fact that the petitioner is the only legal heir of the deceased, respondents 1 and 2 have got no right to retain the benefits of the deceased. Accordingly, respondents 1 and 2 are directed to disburse the service benefits of the deceased to the petitioner/legal heir, within a period of twelve weeks from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No costs.

19/2/2025

mvs.

Index: Yes/No

Neutral Citation: Yes/No

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V.BHAVANI SUBBAROYAN,J

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