



W.P.No.478 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**
W.P.No.478 of 2020

B.Maheswari

... Petitioner

vs.

- 1.The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai 600 006.
2. The Block Medical Officer,
Perambakkam,
Thiruvallur Taluk & District 631 402.
3. The Deputy Director,
Health Services, Thiruvallur 602 001.
4. P.V.Srinivassan
5. The Office of the Accountant General (A & E),
Tamil Nadu, 361, Anna Salai, Teynampet,
Chennai 600 018.
(R5 - Suo motu impleaded as per order
dated 08.01.2025)
6. The Secretary to Government,
Health and Family Welfare Department,
Chennai.
(R6 - Suo motu impleaded as per order
dated 29.01.2025)

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the respondents to include the petitioner's name B.Maheswari, after deleting the name of P.V.Srinivasan, in the Service Register of her deceased sister B.Padmavathy PPO No.Ro816769 who died while in service as ANM at Papparambakkam (PHC) Hospital under the Control of BMO, Perambakkam and Deputy Director Health Services, Thiruvallur and consequently direct the respondents to disburse all her terminal benefits, pensionary and all other benefits to the petitioner within a time limit that may be fixed by this Court.

For Petitioner : Mr.B.Harikrishnan

For R1 to R3 & R6 : Mr.K.Tippu Sulthan
Govt.Advocate.

For R4 : No Appearance

For R5 : Mr.Vijayashankar

ORDER

The present writ petition has been filed to issue a writ of Mandamus directing the respondents to include the petitioner's name B.Maheswari, after deleting the name of P.V.Srinivasan, in the Service



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Register of her deceased sister B.Padmavathy PPO No.Ro816769 who died while in service as ANM at Papparambakkam (PHC) Hospital under the Control of BMO, Perambakkam and Deputy Director Health Services, Thiruvallur and consequential direction to the respondents to disburse all her terminal benefits, pensionary and all other benefits to the petitioner .

2. The case of the petitioner is that her sister Mrs.B.Padmavathy was ailing from cancer and expired on 21.02.2017 while in service as ANM at Papparambakkam (PhC) Hospital under the BMO, Perambakkam and Deputy Director Health Services, Thiruvallur. Her sister was married to the fourth respondent, namely P.V.Srinivasan and they did not have any issues. Thereafter, the petitioner's sister was living with her due to difference of opinion and the petitioner was taking care of her until her death. While in service, her sister submitted an affidavit with her consent letter dated 03.02.2017 to the second respondent, Block Medical Officer, Peambakkam to effect that the change of Nomination in her Service Register changing the name of her husband P.V.Srinivasan, 4th respondent and to register and record her name as a nominee for her terminal and other all benefits. However, the second respondent has not



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considered on the request of the deceased employee and kept the name of the fourth respondent in the service register. Hence, the petitioner sent a detailed representation dated 19.08.2019 to the respondents and the same was not considered. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the fourth respondent, husband deserted the deceased employee, she wanted to the petitioner's name included in the Service Register by deleting her husband name of B.V.Srinivassan. In this regard, the fourth respondent, husband of the deceased employee filed a suit in O.S.No.5601 of 2019 on the file of the 5th Assistant City Civil Court, Madras. In the meantime, he also filed I.A.No.4 of 2019 to grant ad-interim injunction restraining the respondents 2 and 3 /defendants not to disburse the retirement benefits and other monetary benefits of the deceased employee namely V.Padamavathi, who was working as ANM at Papparambakkam (PhC) Hospital, Thiruvallur. There is no interim injunction granted by the City Civil Court till date.



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4. The learned Government Advocate appearing for the respondents

1 to 3 and 6 submitted that the proposal has already been sent to the fifth respondent, Accountant General (A & E) vide letter No.6095/E4/2016 dated 09.08.2017 in regard to removal of the fourth respondent, husband of the deceased employee namely Padmavathy, from the record and to include the petitioner's name in the official records for all purposes. Pursuant to the above letter, the Accountant General, fifth respondent issued a letter vide No.PEN 98/IV/Pt.9213/2017-18/89619 dated 15.11.2017 to the third respondent wherein it is stated that in the instant case Smt.B.Padmavathy has nominated her sister namely B.Maheswari, petitioner herein vide affidavit which is not valid since the spouse of the Government servant is not legally separated. Hence, it is requested that the Government may be addressed for specific orders in this regard.

5. The learned Government Advocate appearing for the respondent further submitted that the proposal has been forwarded to the Government, since the Government is not a party in the present writ petition. In view of the letter written by the Principal Accountant General and the same was submitted to the Secretary to the Government, Health



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and Family Welfare Department. Since the proposal has to be approved by the Secretary to the Government, he has to be impleaded as the sixth respondent in this writ petition. The learned Government Advocate further submitted that the proposal will be forwarded to the 6th respondent within a time frame stipulated by this Court.

6. Heard the leaned counsel on either side and also perused the materials available on record.

7. In view of the above submissions made by the learned Government Advocate, The Secretary to Government, Health and Family Welfare Department, Chennai, is suo-motu impleaded as a party-respondent, namely the sixth respondent. The sixth respondent is directed to consider the proposal within a period of four weeks from the date of receipt of a copy of this order. Once the proposal is approved by the sixth respondent then the first respondent shall consider it, on merits, in accordance with law, and pass appropriate orders, within a period of eight weeks thereof.



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8. This writ petition stands disposed of with the above observation and direction. No costs.

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Index : Yes/No.
Internet : Yes/No.
Neutral Citation : Yes/No
Speaking : Non-speaking Order
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To

1. The Director,
Directorate of Public Health and Preventive Medicine,
DMS Complex, Teynampet,
Chennai 600 006.
2. The Block Medical Officer,
Perambakkam, Thiruvallur Taluk & District 631 402.
3. The Deputy Director,
Health Services, Thiruvallur 602 001.
5. The Office of the Accountant General (A & E),
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6. The Secretary to Government,
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J.SATHYA NARAYANA PRASAD, J.

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