



W.P.(MD)No.22507 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

W.P.(MD) No.22507 of 2022

P.Tamilselvi

... Petitioner

vs.

1.The Commissioner,
Commissionerate of Treasuries and Accounts,
Integrated Complex for Finance Department,
3rd Floor, Veterinary Hospital Campus,
Anna Salai,
Nandanam,
Chennai 600 035.

2.The District Treasury Officer,
Thoothukudi District,
Collectorate, Thoothukudi - 628 002.

3.C.Kalaiaarasi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to disburse the terminal benefits of late.Murugesan, viz, Gratuity, Provident Fund, Death Benefit Fund, Encashment of Earned Leave, Family Pension and other benefits to the petitioner by considering the Petitioner's representation dated 29.04.2022 within the time fixed by this Court.



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For Petitioner : Mr.P.Selvakamatchi
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
For R-1 & R-2
Mr.R.Karunanithi
For R-3

ORDER

Heard Mr.P.Selvakamatchi, learned counsel for the Petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 & 2 and Mr.R.Karunanithi, learned counsel for the 3rd Respondent.

2. This Writ Petition has been filed under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the terminal benefits of late.Murugesan, viz, Gratuity, Provident Fund, Death Benefit Fund, Encashment of Earned Leave, Family Pension and other benefits to the petitioner by considering her representation dated 29.04.2022 within the time fixed by this Court.”

3. When the matter was taken up for hearing on 05.02.2025, this Court passed the following order:

“Mr.P.Selvakamatchi, learned counsel for the petitioner submits that the petitioner is the wife of late.Murugesan and the amount,



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which has been claimed in the prayer clause, has not been paid, whereas Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 and 2 had filed a counter affidavit and in paragraph No.7, it has been admitted that the petitioner is entitled for the amount, which was claimed by her and there is no dispute in the counter affidavit that the petitioner is not a legally wedded wife of late.Murugesan. But in the entire counter affidavit, nothing had been stated regarding the disbursement of the above amount to the petitioner, whereas today one paper has been produced before this Court, which was signed by the Treasury Officer, Thoothukudi dated 14.11.2024, in which, some details of payment are mentioned, but the same is not in the counter affidavit.

2. Accordingly, the learned Additional Government Pleader for the respondents 1 and 2 is directed to file a detailed affidavit annexing the letter dated 14.11.2024 issued by the Treasury Officer, Thoothukudi, in which details of payment given to the petitioner have been mentioned and also all other amount, which has not been paid to the petitioner. This affidavit should be filed by the Officer in-charge of the Department within a period of 10 days from today.

3. The learned counsel for the petitioner is directed to confirm from his client whether she has received the amount, which was mentioned in the letter dated 14.11.2024 or not? He may also file a rejoinder affidavit in this regard.

4. Put up this case 'for orders' on 19.02.2025 before the appropriate Bench."



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4. When the matter was taken up for hearing on 19.02.2025, this Court passed the following order:

“In pursuance of the order dated 05.02.2025, the second respondent has filed a counter affidavit giving the details of the payment made to the petitioner and in paragraph No.2 of the counter affidavit, it had been stated that Death-cum Retirement Gratuity amounting to Rs.15,15,277/- was not paid, since O.S.No.72 of 2022 on the file of District Munsif Court, Thoothukudi is pending filed by the third respondent-mother of the deceased.

2. Further, the second respondent in his counter affidavit had clearly stated that Family Benefit Fund, Encashment of Earned Leave, Encashment of Unearned Leave of Private Affairs, Special Provident Fund, General Provident Fund were already given to the petitioner. Further, it is stated that a letter has been sent by the Treasury Officer, Thoothukudi to the Accountant General Office, Chennai vide R.C.No.269/2022/A1 dated 07.02.2025 for re-validation of the authorization and after receiving the re-validation in respect of the balance amount of DCRG to the sum of Rs.15,25,277/-.

3. Mr.P.Selvakamatchi, learned counsel for the petitioner also filed an affidavit on behalf of the petitioner/wife stating that except Death cum Retirement Gratuity, the petitioner has been granted the following benefits:-



S.No	DETAILS	AMOUNT	RECEIVED ON
1	Family Benefit Fund	25,000.00 4,75,000.00	22-04-2022 08-07-2024
2	General Provident Fund	6,45,781.00	14-09-2023
3	Special Provident Fund	10,059.00	06-06-2024
4	Encashment of Earned Leave	5,89,424.00	07.06.2024
5	Encashment of Un Earned Leave on Private Affairs	2,21,034.00	07.06.2024
6	Duty Pay for Jan, 2022	55,734.00	07.06.2024
7	Family Pension	Granted	07.06.2024

4.Both the affidavits filed by the petitioner and the third respondent are on record.

5.Mr.R.Karunanithi, learned counsel for the third respondent submits that the third respondent is the mother-in-law of the petitioner and mother of the deceased. Thus, it was submitted that the third respondent is also entitled to get some benefits from the dues payable to her deceased son. He has also filed a counter affidavit on behalf of the third respondent, C.Kalaiarasi, on 26.11.2024.

6. The third respondent has produced an order passed by the coordinate Bench of this Court in W.P.(MD)No.18047 of 2023 dated 11.09.2022, in which this Court was pleased to observe as under:-

"5.The submission made by the learned Special Government Pleader is not sustainable, since the mother/petitioner, being a senior citizen and one of the four legal heirs of the deceased Subramanian, she is



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entitled to ¼ th share in the all the terminal and pensionary benefits of her son.”

7. After considering the arguments advanced by the learned Counsel for the parties and after perusal of the counter affidavits filed by the respondents 1 and 2 and the affidavit filed by the petitioner and after perusing the judgment cited supra and considering the fact that the third respondent is the mother and she has taken full responsibility in respect of the husband of the petitioner, who is the real son of the third respondent and she has given love and affection and all the benefits, as her son required to attain this job and considering the principles of equity and principles of natural justice, this Court is of the view that the third respondent/mother is entitled to get some financial assistance from the amount due by the respondents 1 and 2 to the son of the third respondent, as it has been submitted by the learned counsel for the second respondent that an amount of Rs.17,50,000/- has already been paid to the petitioner and only the DCRG amount to the tune of Rs.15,25,277/- due to be paid and proceeding in this aspect is going on and a letter in this regard has also been sent by the Treasury Officer, Thoothukudi to the Accountant General Office, Chennai for re-validation of the authorization.

8.Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 and 2 also submits that some amounts may also be paid to the third respondent, who is the real mother of the deceased husband of the petitioner, as the mother-in-law is taking care of the two children of the deceased and giving



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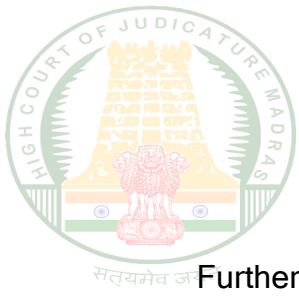
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her love and affection to them.

9.Thus, this Court directs the respondents 1 and 2 to give Rs.7,00,000/- to the third respondent, namely, C.Kalaiarasi and Rs.8,15,277/- to the writ petitioner, P.Tamilselvi. From the balance amount of DCRG to the sum of Rs.15,25,277/- the second respondent may disburse the aforesaid amount by way of Bank Draft/Cheque to the petitioner as well as to the third respondent, which shall be handed over to the petitioner as well as the third respondent in front of this Court on the next hearing date.

10.Put up this case 'for orders' before this Court on 18.03.2025. Let a copy of this order be issued to Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents 1 and 2 for its necessary compliance and information."

5. In compliance with the order passed by this Court on 19.02.2025, Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 and 2, has produced a copy of the statement issued by the DCRG Treasury, Government of Tamil Nadu. The statement indicates that the Petitioner, P. Tamilselvi, wife of the late Murugesan, has been credited a final amount of Rs. 8,15,277/- (Rupees Eight Lakh Fifteen Thousand Two Hundred Seventy Seven only) in her bank account bearing Account No. 11910100223525 maintained with Federal Bank, Tuticorin Branch, today ie., on 18.03.2025.



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Furthermore, the statement shows that C. Kalaiarasi, the mother-in-law of the Petitioner and the mother of the deceased Murugesan, has been credited an amount of Rs. 7,00,000/- (Rupees Seven Lakh only) in her bank account bearing Account No. 10237776900 maintained with State Bank of India, Tuticorin Bazar Branch, today ie., on 18.03.2025. The copy of the transaction statement has been taken on record and furnished to the learned counsel for the Petitioner.

6. The learned Additional Government Pleader submits that the directions issued by this Court vide order dated 19.02.2025 in the present Writ Petition have been fully complied with, and both parties are satisfied with the payment. Therefore, he requests that the Writ Petition be disposed of accordingly.

7. The Petitioner, P. Tamilselvi, who is present before this Court today, submits that she has received a total amount exceeding Rs. 28 lakhs, which constitutes the dues of her late husband. The 3rd Respondent, C. Kalaiarasi, who is also present today before this Court, submits that she has received an amount of Rs. 7 lakhs today, as directed by this Court in its order dated 19.02.2025. Therefore, the learned counsel for the Petitioner and the learned counsel for the 3rd Respondent jointly submit that, since the order passed by



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this Court on 19.02.2025 in the present Writ Petition has been fully complied with, the Writ Petition may be disposed of accordingly.

8. Accordingly, after considering the arguments advanced by the learned counsels for the parties, and after perusal of the statement issued by the DCRG Treasury, Government of Tamil Nadu, as well as the beneficiary details, this Court is satisfied that the amounts have been credited to the accounts of the Petitioner and the 3rd Respondent, as directed by this Court in its order dated 19.02.2025.

9. As the directions issued by this Court dated 19.02.2025 have been fully complied with by Respondents 1 and 2, the Writ Petition stands disposed of. There shall be no order as to costs. The file is consigned to the record.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr

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To:

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SHAMIM AHMED, J.

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