



W.P.(MD)No.23265 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.23265 of 2022
and
W.M.P.(MD).Nos.9441 & 9442 of 2022

Swarnalatha

... Petitioner

Vs.

1.The Dean,
Madurai Medical College,
Madurai-625 020.

2.The Commissioner,
Office of the Commissioner of Treasuries and Accounts,
3rd Floor, Perasiriyar K.Anbazzhagan Maaligai,
No.571, Anna Salai,
Nandanam,
Chennai-600 003.

3.S.Ramasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent passed in his proceedings in Na.Ka.No. 449286/Pa.O.Thi/2022 dated 05.07.2022 and quash the same and direct the first respondent to pass appropriate orders to the petitioner.



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For Petitioner

: Mr.V.N.Arjun

For R-1 & R-2

: Mr.A.Baskaran,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 05.07.2022 passed by the second respondent, directing the petitioner to obtain a No Objection Affidavit from the third respondent (the petitioner's father-in-law) to enable the petitioner to get the retirement benefits payable to the petitioner's husband, R.Perumal.

2. The petitioner's husband, R.Perumal, was serving as an Assistant Surgeon at the Government Infectious Disease Hospital, Thoppur, Madurai Medical College, Madurai. He died on 20.01.2018 while he was in service. The petitioner has produced a Legal Heir Ship Certificate to the respondents to enable the petitioner to get the retirement benefits. As seen from the Legal Heir Ship Certificate, the legal heirs of the deceased R.Perumal are the petitioner and her father-in-law viz., Ramasamy, who is the third respondent herein. Since the third respondent has not given his No Objection Affidavit, the impugned order came to be passed, rejecting the petitioner's claim for payment of entire retirement benefits payable on account of R.Perumal to her.



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3. However, the petitioner in this writ petition contends that, being a Class-I legal heir under the Hindu Succession Act, the petitioner alone is entitled to get the entire retirement benefits payable to her deceased husband. The same has been disputed by the respondents as seen from the counter. They reiterate the contentions of the counter-affidavit filed before this Court by stating that unless a No Objection Certificate is issued by the third respondent (petitioner's father-in-law), they will not be in a position to pay the entire retirement benefits payable on account of the deceased husband of the petitioner.

4. In the interest of justice, this Court deems it fit to quash the impugned order and remand the matter back to the second respondent for fresh consideration on merits and in accordance with law by affording an opportunity to the petitioner as well as the third respondent with regard to the payment of retirement benefits payable to R.Perumal, the petitioner's husband, by issuing notice to both of them and calling for their objections or remarks with regard to the request made by the petitioner for payment of the entire retiral benefits on account of the deceased Perumal. The first respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 5. With the aforesaid direction, the writ petition is disposed of. No costs.

23.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Dean,
Madurai Medical College,
Madurai-625 020.

2.The Commissioner,
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3rd Floor, Perasiriyar K.Anbzhagan Maaligai,
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ABDUL QUDDHOSE, J.

TSG

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