



WP(MD) NO. 22507 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19-02-2025

CORAM

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

WP(MD) NO. 22507 of 2022

Tamilselvi .P
W/o. Late Murugesan, No.4/5/6/3 Mullai Nagar,
Ambedkar Nagar Housing Board, KTC Nagar East,
Thoothukudi - 628 002.

Petitioner(s)

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. Kalaiarasi. C
W/o. Late P. Chellaiah, 111/11 G3C, Polpettai, Melur Post,
Thoothukudi - 628 002.

Respondent(s)

For Petitioner(s):

M/s. Selvakamatchi .P

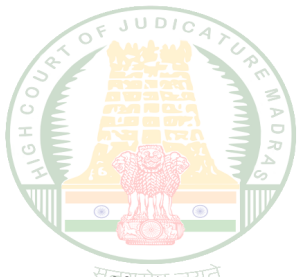
For Respondent(s):

Mr.D.Sadiq Raja, Additional Government Pleader for R1 &
R2

M/s. Karunanidhi.R, Advocate For R3

ORDER

In pursuance of the order dated 05.02.2025, the second respondent has filed a counter

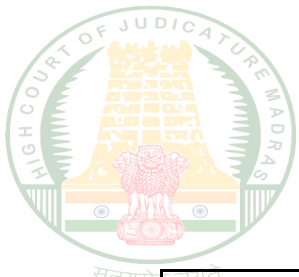


WP(MD) NO. 22507 of 2022

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:-



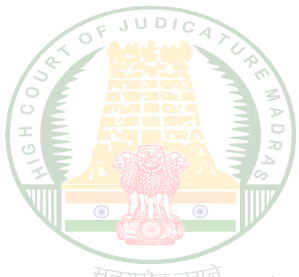
WP(MD) NO. 22507 of 2022

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Sl.N o	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.

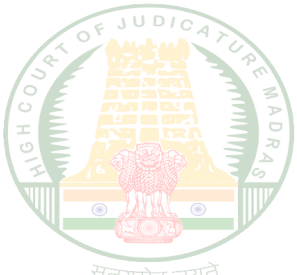


WP(MD) NO. 22507 of 2022

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 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



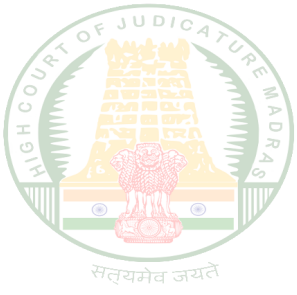
WP(MD) NO. 22507 of 2022

WEB COPY

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 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.



WP(MD) NO. 22507 of 2022

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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.

sd/-
19/02/2025

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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CMR/MM

TO

1 THE COMMISSIONER,
COMMISSIONERATE OF TREASURIES AND ACCOUNTS,
INTEGRATED COMPLEX FOR FINANCE DEPARTMENT,
3rd FLOOR, VETERINARY HOSPITAL CAMPUS, ANNA SALAI,
NANDANAM,CHENNAI-35

2 THE DISTRICT TREASURY OFFICER
THOOTHUKUDI DISTRICT, COLLECTORATE,
THOOTHUKUDI - 628 002.

COPY TO:
MR.D.SADIQ RAJA,
ADDITIONAL GOVERNMENT PLEADER,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
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Date :19/02/2025

SS/VR/SAR- /05/03/2025/ 7P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023