

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

W.P.(C).No.27075 of 2005 (W)

PETITIONER(S):-

P.ANITHA, W/O.LATE P.J.RAMANKUTTY,
POTHUVILETHU HOUSE, ERUMAKKAD.P.O., EDAYARANMULA,
PATHANAMTHITTA.

BY ADVS.SRI.P.HARIDAS
SMT.DEEPA G. PAL.

RESPONDENT(S):-

1. MANAGING DIRECTOR,
KERALA WATER AUTHORITY, THIRUVANANTHAPURAM.
2. THE EXECUTIVE ENGINEER,
P.H.DIVISION, KERALA WATER AUTHORITY, THIRUVALLA.
3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA WATER AUTHORITY, THIRUVALLA.

R1 TO R3 BY STANDING COUNSEL SRI.JOSEPH JOHN.
ADV. SRI.THOMAS MATHEW NELLIMOOTTIL, SC, KWA
R1 TO R3 BY ADV. SRI.J.KRISHNA KUMAR, SC, KWA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE REPRESENTATION DATED 18.09.2004
 SUBMITTED BEFORE THE 3RD RESPONDENT.
- EXT.P2 TRUE COPY OF THE NOMINATION DTD.1.11.88.
- EXT.P3 TRUE COPY OF THE LETTER NO.E2-2148/94 DATED 31.01.2005
 ISSUED BY THE SECOND RESPONDENT.
- EXT.P4 TRUE COPY OF THE REPRESENTATION SUBMITTED BEFORE
 THE FIRST RESPONDENT BY THE PETITIONER DT.8.2.2005.
- EXT.P5 TRUE COPY OF THE REPRESENTATION DATED 17.02.2005 TO
 THE FINANCE MANAGER AND CHIEF ACCOUNTS OFFICE.
- EXT.P6 TRUE COPY OF THE LETTER ISSUED BY THE BRANCH
 MANAGER, PATHANAMTHITTA DISTRICT CO-OPERATIVE
 BANK LTD., DT.20.12.04.
- EXT.P7 TRUE COPY OF THE REPRESENTATION DATED 15.07.2005
 FILED BY THE PETITIONER TO THE DEPUTY GENERAL
 MANAGER, PATHANAMTHITTA DISTRICT CO-OPERATIVE
 BANK LTD.

RESPONDENT'S EXHIBITS:-

vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.27075 of 2005-W

Dated this the 30th day of October, 2015

JUDGMENT

The petitioner, the wife of an employee of the Kerala Water Authority who died while in service, is before this Court claiming disbursal of the entire benefits due to her husband to herself as she has been made the nominee. However, Exhibit P3 order of the Water Authority indicates that the amounts due has to be divided equally between the wife, mother and the two children of the deceased employee.

2. It is trite that a nomination as such does not enable receipt of the entire amounts due on death. The right of any legal heir is not extinguished by the nomination of another and the nominee would only hold the estate of the deceased in trust for the other legal heirs also. There can be no fault found on the respondent directing the money to be equally disbursed to the four legal heirs.

The writ petition, hence, would stand dismissed. No costs.

Sd/-

K.Vinod Chandran
Judge.

vku/-

[true copy]