

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.09.2016

Coram:

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

W.P.No.2317 of 2014

and

M.P.No.1 of 2014

1.P.Mookaiya Chettiar

2.M.Nagammal

... Petitioners

Vs

1.The Deputy Inspector General of Police

G.C. CRPF, (Central Reserve Police Force)

Avadi, Chennai-65.

2.The Commandant

85th Battalion

CRPF Location at Bijapur

Chattisgarh.

3.Ranu Biswas.

... Respondents

Prayer : This writ petition has been filed to issue a Writ of Mandamus, directing the first respondent to settle the terminal benefits of the petitioner's son, namely, M.Perumal, including family pension and other benefits in favour of the petitioners.

For Petitioner : M/s.M.Gnanasekar

For Respondents No.1 & 2 : Mr.K. Gunasekar

SCGSC

For Respondent No.3 : No appearance

O R D E R

Heard the learned counsel, appearing on behalf of the petitioners, as well as the learned counsel, appearing on behalf of the respondents 1 and 2. There is no appearance on behalf of the third respondent.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to settle the terminal benefits of the petitioners' son, namely, M.Perumal, including the family pension and other benefits, in favour of the petitioners.

3. The petitioners have stated that they are the parents of the deceased M.Perumal, who had been employed, as a Constable, in the Central Reserve Police Force, Avadi, Chennai. He had died on 11.10.2013. Even though, he had not married the third respondent, she had been nominated as his nominee, to receive the monetary benefits due to the deceased M.Perumal.

4. Since the respondents 1 and 2 had refused to pay the monetary benefits due to the deceased M.Perumal, who is the son of the petitioners herein, they have preferred this writ petition, under Article 226 of the Constitution of India.

5. The learned counsel, appearing on behalf of the respondents 1 and 2 had filed a counter stating that the third respondent has been nominated by the deceased M. Perumal, as his nominee. The nomination forms had been attested by a Gazetted Officer of the Central Reserve Police Force, and the same was countersigned by the Deputy Inspector General of Police, Group Centre, Central Reserve Police Force, Avadi, Chennai.

6. It has been further stated that an affidavit, dated 28.10.2013 and a certificate, dated 4.11.2013, issued by Sri. Sivakumar, Municipal Commissioner, Chennai, would reveal the factum of marriage, solemnised between the deceased M. Perumal and the third respondent, who is his nominee. In such circumstances, the claim of the petitioners, cannot be entertained.

7. In view of the submissions made on behalf of the petitioners, as well as the respondents 1 and 2, this Court is of the view that the relief prayed for by the petitioners, in the present writ petition, cannot be granted, by this Court, by invoking the provisions under Article 226 of the Constitution of India.

8. The first and the second respondents do not have the power or the authority, to disburse the amounts, due to the deceased M. Perumal, to the petitioners, who are said to be his parents and the amounts would be disbursed by the first and the second respondents only to the third respondent, who is the nominee of the deceased M.Perumal, as per the records available with the said respondents.

9. In such circumstances, this Court finds it appropriate to dismiss the writ petition. Accordingly, it is dismissed. However, it goes without saying that the petitioners can pursue their remedies, if any, before the appropriate civil forum, in the manner known to law. No costs. Consequently, connected M.P. is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rnb

To

1.The Deputy Inspector General of Police
G.C. CRPF, (Central Reserve Police Force)
Avadi, Chennai-65.

2.The Commandant
85th Battalion
CRPF Location at Bijapur
Chattisgarh.

+1cc to Mr.K. Gunasekar, Advocate, S.R.No.50057
+1cc to Mr.M. Gnanasekar, Advocate, S.R.No.50031

CA(CO)
EU(06/09/2016)

सत्यमेव जयते

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