

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11192 OF 2011

DATED : 21.09.2016

Between :

Smt. T.Sujatha, W/o.Late T.Ramachander,
Aged about 49 yrs, Occu : Household,
R/o.12-1-1564, North Lalaguda,
Shantinagar, Tukaram Gate,
Secunderabad & 2 others.

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Petitioners

And

Bharat Heavy Electricals Limited,
Rep., by its General Manager (Personnel),
Ramachandrapuram, Hyderabad-500 032 & 4 others

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.11192 of 2011****ORDER :**

The first petitioner claims to be wife of late T.Ramachander who was an employee of BHEL and through late Ramchander she was blessed with two children who are petitioners 2 and 3. It appears there were some differences between the first petitioner and her late husband and lived separately. The first petitioner filed M.C.No.29 of 1997 on the file of Family Court, at Secunderabad claiming maintenance. The Family Court granted maintenance of Rs.4500/-. T. Ramachander died on 02.08.2007. After the death of T.Ramachander, petitioners claimed for settlement of death benefits. At that stage, petitioners came to know that the 2nd respondent was shown as a nominee in the service records of Late T.Ramachander. This writ petition is filed seeking direction not to release the terminal benefits to respondents 2 to 5 and to release the terminal benefits to the petitioners. No interim order was granted by this Court.

2. When the matter is taken up, learned standing counsel representing the 1st respondent submits that the terminal benefits of approximately an amount of Rs.7,35,000/- were paid to the 2nd respondent being a nominee. However, an amount of Rs.1,99,413/- was standing to the account of Late T.Ramchander and since the 1st petitioner was the legally wedded wife, this amount was ear marked to be paid to the 1st petitioner as there was no other nomination given by the late employee.

3. As per the request of the 1st petitioner this amount is deposited in Bajaj Finance Company Limited and every month the interest is being paid by the Bajaj Finance Company Limited and according to the instructions furnished to the learned standing counsel, for the present the 1st petitioner is getting an amount of Rs.1,065/- per month.

4. Admittedly, the 2nd respondent was the nominee and except an amount of Rs.1,99,413/- the other amounts were already paid to the 2nd respondent and as of now no amount is lying with the BHEL. As noticed above, in this writ petition the only prayer sought is not to pay the death benefits to 2nd respondent and to pay those benefits to petitioners. Since the amount was already paid, no direction as sought for can be granted. Thus, the writ petition deserves to be dismissed.

5. Accordingly, the writ petition is dismissed. However, if the petitioners have a valid claim, liberty is granted to the petitioners to proceed against respondents 2 to 5, if so advised. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

21st September, 2016
Rds

P.NAVEEN RAO,J