

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 9371 of 2018

and

W.M.P.No.11181 of 2018

S.Maragatham

..Petitioner

Vs

1.The Superintending Engineer,
Nilagiri Electricity Division, Ooty.

2.The Revenue Divisional Officer,
Ooty, Nilagiri District.

3.The Tahsildar,
Tahsildar Office,
Ooty, Nilagiri District.

4.Viduthalai Muthu

5.R.Priyadarshini

6.R.Divyadharshini

D/o.Late Radhakrishnan

(5th and 6th Respondents are
represented by 4th respondent,
mother and natural guardian

4th to 6th respondents are residing at
No.84, E,East, Puthu Nagar,
Kanthal, Ooty.

Nilagiri District.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the 1st respondent not sanction the death benefits of the deceased Radhakrishnan to the respondents 4-6 without providing the opportunity of hearing on the side of the petitioner.

For Petitioner :Mr.N.Stalin

For Respondent 1 :Mr.P.R.Dhilip Kumar

For Respondents 2&3 :Mr.V.Kadhirvelu

Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent not to sanction the death benefits of the deceased Radhakrishnan to respondent Nos.4 to 6 without providing the opportunity of hearing on the side of the petitioner.

2.The relief as such sought for in this writ petition is absolutely misconceived. The service benefits including Gratuity, DCRG etc are to be paid in accordance with the nomination made by the deceased employee in the service records.

3.Thus, the writ petitioner being the mother of the deceased employee cannot claim the benefit of terminal and pensionary benefits of the deceased employee. As per the Pension Rules the wife of the deceased employee is entitled for terminal and other pensionary benefits. This apart, if the employee has recorded the name of his wife in the service records, then the wife alone is entitled for all the benefits and the mother cannot seek the pensionary benefits in respect of the deceased employee.

4.This being the factum of the case, respondents 1 to 3 are directed to settle all the terminal and pensionary benefits of the deceased employee as per the nomination under the Pension Rules in force without causing any further delay. Since on account of the sudden death of the deceased employee the family will be in penurious circumstances and there should not be any delay in settlement of pensionary and terminal benefits as per the Pension Rules.

5.In this view of the matter, the writ petitioner has not established any legal right so as to consider the relief sought for in this writ petition.

6.Thus, this writ petition is devoid of merits and stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintending Engineer,
Nilagiri Electricity Division, Ooty.

2.The Revenue Divisional Officer,
Ooty, Nilagiri District.

3.The Tahsildar,
Tahsildar Office,
Ooty, Nilagiri District.

+1cc to Government Pleader Sr.No.31752

GMR(CO)
sm:11.5.2018

W.P.No. 9371 of 2018



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