

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.08.2018

Coram
The Hon'ble Mr.Justice Satrugana Pujahari

Writ Petition No.22160 of 2018
and
W.M.P.No.25979 of 2018

G. Suvedha Vardhini

...Petitioner

Vs.

- 1.The Chief General Manager,
Administrative Office Mines (Mine-1 A)
Block - 26, NLC India Ltd.,
Neyveli - 607 803.
- 2.The Chief Manager, HR
Administrative Office Mines (Mine-1 A)
Block - 26, NLC India Ltd.,
Neyveli - 607 803.
- 3.The Additional Chief Manager,
Finance/Mine-1 A Administrative Office Mines (Mine-1 A)
Block - 26, NLC India Ltd.,
Neyveli - 607 803.
- 4.The Director HR,
Corporate Office Block -I, NLC India Ltd.,
Neyveli - 607 801.

5.Shri. Sivaram Sethu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus forbearing the respondents 1 to 4 from disbursing the terminal benefits of the petitioner's father late S.Ganapathy Pandian in CPF No.36837 to any other persons without getting the petitioner's concurrence.

For Petitioner : Mr.D.Ravichander

For Respondents 1 to4 : Mr.N.Nithianandam
Standing Counsel

O R D E R

Heard, Mr.D.Ravichander, the learned counsel appearing for the petitioner and Mr.N.Nithianandam, learned Standing Counsel, who accepts notice on behalf of the respondents 1 to 4. Since the Writ Petition is taken up for disposal at the stage of admission and considering the nature of order to be passed herein, notice to the fifth respondent is dispensed with.

2. The grievance of the petitioner, in this Writ Petition is that, her father died in harness while serving with the respondents 1 to 4 in the NLC Limited on 19.02.2018. During his lifetime, he had given his nomination in favour of his father, (fifth respondent herein) but, in the meanwhile, the petitioner got married and the petitioner's happened to be the daughter, she did not challenge her father's nomination. The petitioner apprehends that taking advantage of the aforesaid nomination, the fifth respondent is going to receive all the retiral benefits of her deceased father and appropriate the same alone without giving the legitimate dues to the petitioner. In this regard, therefore, the petitioner had given a representation to the employers, respondents 1 to 4, not to release the terminal benefits pending the dispute between herself and the fifth respondent with regard to the entitlement in receiving the terminal benefits of her deceased father. Such representation is pending. Hence, she has come to this Court seeking a writ of mandamus directing the respondents not to disburse the terminal benefits of her deceased father to any other persons, without getting her concurrence.

3. However, during the course of hearing on admission, it is submitted by the learned counsel appearing for the petitioner that though he has sought for a larger relief, but he now confines his prayer for consideration of the petitioner's representation made not to release the terminal benefits till the date of disposal of such representation and as such, the same may be disposed of with the relief sought for.

4. The learned Standing Counsel appearing on behalf of the respondents submits that, the respondents 1 to 4 shall have no objection for consideration of such representation of the petitioner within the period to be fixed by this Court, but, in accordance with law.

5. Regard being had to the facts and the submissions made, especially, considering the limited prayer sought for, this Court, without giving notice to the fifth respondent, dispose of this Writ Petition with an observation that the respondents 1 to 4 shall take an informed and considered decision on the representation of the petitioner in accordance with law, after

putting a notice to the fifth respondent and seeking his response, within a period of four weeks from the date of receipt of a copy of this order, However, till then, disbursement, if any to be made as far as nomination is concerned, shall not be made by the respondents 1 to 4. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sd

To

- 1.The Chief General Manager,
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- 4.The Director HR,
Corporate Office Block -I, NLC India Ltd.,
Neyveli - 607 801.

+lcc to Mr.D.Ravichander, Advocate, S.R.No.59376
+lcc to Mr.N.Nithianandam, Advocate, S.R.No.59177

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CA(CO)

rrs 10/10/2018

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