

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.35624 OF 2018**

Dated:08.10.2018

Between:

Degula Kanakamma, W/o. Late Mallaiah,  
Aged about 64 years, Occ: Housewife,  
R/o.Q.No.D-1579, Vital Nagar,  
GodavariKhani, Karimnagar District,  
Telanagana

.. Petitioner

And

The Singareni Collieries Company  
Limited, rep., by its Chairman and  
Managing Director, Godavarikhani,  
Karimnagar District and others

.. Respondents



**The Court made the following:**

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**ORDER:**

Heard.

2. This Writ Petition is filed praying to grant the following relief:

“... to call for the records from the respondent herein and issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in releasing the entire service benefits in the name of petitioner's daughter-in-law consequent to the death of petitioner's son Venu as arbitrary, illegal, unjust, contrary to law, and also in violation of Articles 14 and 21 of the Constitution of India consequently direct the respondents herein not to release equal share to which the petitioner is entitled being the mother of the deceased Venu worked as Security Guard and to release equal share in favour of the petitioner and pass such order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

3. Son of the petitioner was provided employment as Security Guard on compassionate grounds due to death of her husband. Thereafter, her son also died. This Writ Petition is filed contenting that petitioner, being mother of deceased, is also entitled to death benefits accrued to the account of the employee, whereas the respondent – Company is taking steps to give the benefits exclusively to the wife of deceased son, the 4<sup>th</sup> respondent, without apportioning the amount payable to the petitioner and same is discriminatory.

4. During the course of arguments, learned counsel for the petitioner submitted that petitioner is claiming the Gratuity amount under the Payment of Gratuity Act, 1972, determined

based on the service rendered by her son equitably to petitioner and her daughter-in-law. According to learned counsel, daughter-in-law of petitioner has deserted the petitioner's family much before the death of her son.

5. Learned Standing Counsel appearing for the Singareni Collieries Company Limited produced the nomination given by the employee under the Act as early as on 17.08.2009. The nomination discloses his wife, as nominee, who is entitled to receive 100% of the benefits under Family Benefit-cum-Insurance Scheme/Janatha Personal Accident Insurance Scheme and under the Payment of Gratuity (Central) Act, 1972.

6. A reading of the nomination form itself would disclose that the deceased employee declared his wife as a nominee, who is entitled to receive 100% of nominee amount and declared that his mother is not dependant on him. In view of the declaration given by the late employee nominating his wife as the only person who is entitled to receive the gratuity amount, the claim of the petitioner to apportion the amounts between her and the 4<sup>th</sup> respondent is not maintainable.

7. At this stage, learned counsel for the petitioner sought to contend that a representation was made by the petitioner on 12.09.2018 and a direction be issued to dispose of the same.

8. Though the prayer sought is innocuous but as seen from the material placed on record, it is apparent that the deceased employee has already given nomination in the prescribed form nominating his wife as the sole person entitled to receive 100% of

Gratuity amount, no useful purpose would be served by directing the respondent – Company to consider the representation and to pass orders. Therefore, the Court is not inclined to grant the relief as prayed for by the petitioner, as the claim of payment of gratuity amount is not valid.

9. The Writ Petition is accordingly dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

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**P. NAVEEN RAO, J**

Date:08.10.2018

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