

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 30.07.2019  
CORAM  
THE HONOURABLE MR JUSTICE S. VAIDYANATHAN

W.P.No.16263 of 2015

Selvi

.. Petitioner

--Vs--

- 1.The Joint Director,  
Department of Agriculture,  
Tindal Medu,  
Erode-12
- 2.The Assistant Director,  
Department of Agriculture,  
Union Office Compound,  
Bhavani-638301  
Erode District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents to disburse the service benefits and pension to the petitioner whose husband R.Williams died in harness on 20.01.2015 by considering her representations dated 31.03.2015 and 04.05.2015.

For Petitioner :Mr.A.Gokulakrishnan

For Respondents:Mr.P.S.Siva Shanmuga Sundaram,  
Special Government Pleader

सत्यमेव जयते  
O R D E R

The case of the petitioner is that she is the wife of late R.Williams and that she is entitled to all the terminal benefits including pension due to her husband, who died on 20.01.2015.

2. The respondent has filed a counter and in paragraph 12 it is stated that Selvi is the wife and nominee of late R.Williams and the same has been entered in the service records. However, Williams has also stated that Tmt.Kayalvizhi Malarvathanam is also his wife and compassionate ground appointment to the legal heir can be given only after the finalization of the valid legal heirship. From O.S.No.354 of 2013, it is clear that late

Williams has described Tmt.Kayalvizhi Malarvathanam as his wife and there was a settlement deed dated 21.10.2013, which was executed in favour of R.Williams. She has filed a written statement stating that she and R.Williams are not husband and wife but the settlement deed was registered with the value of 1 % of stamp duty, which is for blood relatives and hence the settlement deed was cancelled.

3. It is very unfortunate that the persons are trying to play fraud on Court as well as on the authorities by placing documents by undervaluing the property or by showing illegal relationship, thereby causing revenue loss to the Government.

4. However, R.Williams is no more and Tmt.Kayalvizhi Malarvathanam is not before this Court. Selvi is a nominee and the nominee is entitled to the amount. Hence, the respondents are permitted to disburse the entire amount due to R.Williams to Selvi as Selvi is not only his legal heir but also going to hold the money in trust for other legal heirs. Once steps are taken to disburse the terminal benefits, the respondents shall ascertain the actual legal heirs and disburse the amount in accordance with personal laws of late Williams. It is needless to state that if the benefits due to late Williams are paid to the nominee, the other legal heir, if any, cannot demand the benefits due to Williams for the respondents. It is duty of Selvi to disburse the respective shares to other legal heirs as per now.

5. With the above directions, this Writ Petition is disposed of. No costs.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To

1.The Joint Director,  
Department of Agriculture,  
Tindal Medu,  
Erode-12

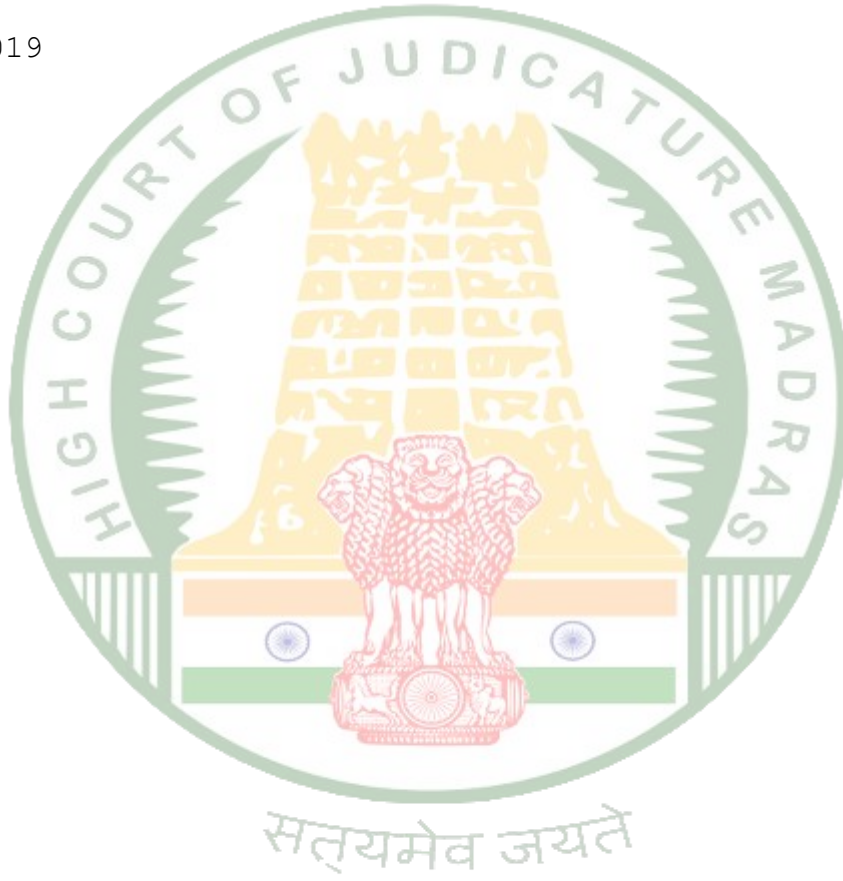
2.The Assistant Director,  
Department of Agriculture,  
Union Office Compound,  
Bhavani-638301  
Erode District

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+1 cc to Mr.A.Gokulakrishnan Advocate sr652361

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