

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 10.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.33607 of 2019
and
WMP No.34072 of 2019

T.Premalatha

... Petitioner

.Vs.

1.The Director General CRPF,
C.G.O.Complex,
Lodhi Road,
New Delhi-110 003.

2.The Accounts Officer,
PAO, CRPF,
Plot No.14, PSP-2,
PO Rohini Sector,
Rohini,
New Delhi 110 086.

3.The Commandant,
40, BN, Battalion,
Central Reserve Police Force,
Heavn Cinema, Ashajipora,
ANANTNAG, (J&K)
C/O 56 A.P.O.

4.The Commandant,
105, RAF Battalion,
CRPF, Vellalore,
Coimbatore.

5.B.Sathyasurya

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 not to release the death benefits or any other benefits to the 5th respondent on the death of M.Arvind by considering representation dated 9.9.2019 and 18.10.2019.

For Petitioner : Mr.K.Myilsamy

For R 1 to R 4 : Mr.B.L.Jayakandan
Central Govt.Standing Counsel

For R 5 : Mrs.r.Meenakshi

O R D E R

This writ petition has been filed seeking for a Writ of Mandamus, directing the official respondents not to release the death benefits or any other benefits of the deceased in favour of the 5th respondent.

2.It is seen from records that the son of the petitioner was selected in CRPF in the year 2010. He got married to 5th respondent in the year 2017, and it is alleged that there were difference of opinion between the deceased and the 5th respondent. On 23.08.2019, the son of the petitioner died. According to the petitioner, he died under suspicious circumstances. Therefore, the petitioner made a representation to the respondents not to disburse the service benefits to the 5th respondent and to hand over the same to the petitioner since she has been shown to be the nominee as per the service records. It is alleged that the representation was not acted upon and steps were being taken to hand over the service benefits to the 5th respondent and therefore, the present writ petition came to be filed before this Court.

3.The learned counsel for the petitioner submitted that there is a strong doubt that the root cause for the death of the petitioner's son was only the 5th respondent, and therefore the service benefits should not be handed over to the 5th respondent. The learned counsel submitted that the amount can remain with the CRPF, and in the meantime, the parties will work out their rights before a Competent Court and depending upon the result of the proceedings, the retirement benefits can be handed over either to the petitioner or the 5th respondent.

4.The learned Standing Counsel appearing on behalf of the respondents 1 to 4 submitted that under the pension rules, the petitioner is not entitled to receive the pension or the other retirement benefits. In order to substantiate his submissions, the learned Standing Counsel relied upon rule 10-A of the CCS (Pension) Rules. The learned counsel also relied upon rule 21-A. The learned Standing Counsel brought to the

notice of this Court, an earlier order passed by this Court in W.P.No.16901 of 2019, dated 22.10.2019, wherein, this Court while considering a similar issue had held that the wife alone is entitled to get the service benefits of her husband and the parents are not entitled to get the benefits. The learned Standing Counsel therefore submitted that the claim made by the petitioner cannot be sustained in law and the petitioner has to work out her remedy only before the appropriate Court and it cannot be resolved by the official respondents.

5.The learned counsel appearing on behalf of the 5th respondent adopted the arguments made by the learned Standing Counsel. The learned counsel submitted that the 5th respondent is entitled to receive the terminal benefits of the deceased as per the rules and the same cannot be handed over to the petitioner.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.The only issue that requires consideration in this writ petition is as to whether the service benefits of the deceased M.Arvind, can be handed over to the petitioner.

8.The pension rules makes it clear that the parents of the deceased will be entitled to receive the benefits if the deceased is not survived by a widow. The same is clear from a reading of Rule 10-A and Rule 21-A(5) of the CCS (Pension) Rules.

9.It is also relevant to take note of the earlier Order passed by this Court in W.P.No.16901 of 2019, dated 22.10.20219, where similar issue was raised before this Court, and this Court had categorically held that only the wife is entitled to get the terminal benefits and the parents are not entitled as per the rules. This Court is not inclined to take a different view since the Order has been passed after taking into consideration the relevant rules.

10.In the result, the relief as sought for by the petitioner cannot be granted by this Court and the CRPF cannot be made to resolve the inter se dispute between the petitioner and the 5th respondent. They have to necessarily fight it out only before the competent forum.

In view of the above, this writ petition is dismissed and liberty is granted to the petitioner to work out her remedy before the Competent Court in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (J)

/true copy/
Sub Asst. Registrar

KP
To

- 1.The Director General CRPF,
C.G.O.Complex,
Lodhi Road,
New Delhi-110 003.
- 2.The Accounts Officer,
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- 4.The Commandant,
105, RAF Battalion,
CRPF, Vellalore,
Coimbatore.

+1 cc to Mr.K.myilsamy Advocate sr103178
+1 cc to Mr.B.L.Jayakandan Advocate sr103176
+1 cc to Mr.R.Meenakshi Advocate sr102945

W.P.No.33607 of 2019

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