



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD)No.17597 of 2018

A.Vasantha

... Petitioner

Vs.

1.The Assistant Commissioner,
Employees Provident Fund Organisation,
Bhavishyanidhi Bhavan,
Opposite to Lady Doak College,
Madurai 625 002.

2.The Managing Director,
The Metal Powder Company Limited,
Madurai Road Maravankulam,
Thirumangalam Taluk,
Madurai District.

3 A.Pandi

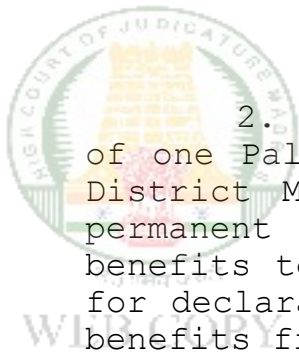
... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to pay the family pension from 25.06.2006 continuously throughout petitioner's life and consequently direct the second respondent to pay her due share of remaining death benefits of petitioner's deceased husband Asaithambi, died on 23.05.2006, by considering her representation dated 30.01.2018 within the period as stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen
For R1 : Mr.A.John Xavier
Standing counsel
For R2 : Mr.M.Sankaralingam for
M.Saravanan
For R3 : Mr.P.Ganapathi Subramanian

O R D E R

The petitioner seeks a Mandamus directing the first respondent, the Assistant Commissioner of Employees Provident Fund Organisation (R1) to pay family pension from 25.06.2006 and also a direction to the second respondent ie., the Managing Director, Metal Powder Company Limited (R2) to pay the remaining death benefits of one Asaithambi, who had passed away on 23.05.2006. She has also made a representation for the aforesaid relief in her capacity as widow of the deceased employee.



2. A rival claimant is the third respondent, who is the son of one Palaniammal with the said Asaithambi. R3 had approached the District Munsif at Thirumangalam in O.S.No.367 of 2006 seeking a permanent injunction restraining R2 from disbursing the death benefits to the petitioner herein as well as the O.S.No.367 of 2006 for declaration that only he would be entitled to receive the death benefits from the employment of Asaithambi.

3. The Court had passed judgment and decree dated 17.04.2017, ratifying the marriage of Palaniammal and Asaithambi as well as the fact that R3 is the son of Asaithambi. Thus, both the petitioner as well as the R3 are legally entitled to the employment benefits of Asaithambi.

4. What remains is for the parties to obtain necessary documentation in this regard, including the legal heirship certificate, for which the learned counsel for the petitioner would submit that the process has been initiated.

5. In light of the aforesaid position, this Writ Petition is closed, directing R1 and R2 to do the needful in terms of disbursement of the retirement benefits as well as the family pension as claimed by both the petitioner and R3, within a period of eight weeks from the date of production of all documents as may be necessary and sought for by the authorities.

6. As far as O.S.No.261 of 2017 is concerned, R3 has approached the District Munsif Court, Thirumangalam seeking partition of the assets of Asaithambi including the retirement benefits. The present order would protect the rights of both the parties as far as the retirement benefits are concerned, and the suit will be contested in regard to other assets only.

7. This Writ Petition is ordered as above. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To

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+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-40430[F] dated 27/12/2021)

Order made in

W. P. (MD) No. 17597 of 2018

Dated:

23.12.2021

MK/18.02.2022/3P/4C