



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD)No.13882 of 2017

M.Baby

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Treasury Officer,
Thovalai, Boothapandi,
Kanyakumari District.

3.T.Manonmani
(R3 is impleaded vide
order dated 10.03.2021 made in
M.P(MD)No.17601 of 2019)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to disburse the death benefits of the petitioner's deceased husband and consequently, direct the second respondent to grant family pension to her.

For Petitioner : Mr.S.Satheesh Kumar
For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader
For R3 : Mr.J.Senthil Kumaraiah
(impleaded respondent)

O R D E R

This Writ Petition is filed for direction to the second respondent to disburse the death benefits of the petitioner's deceased husband and consequently, direct the second respondent to grant family pension to her.

2.The case of the petitioner is that she was married one Thangaraj, on 08.09.1983 and due to their wedlock, she begotten two children. The petitioner's husband was worked as Office Assistant in Sub Treasury, Thovalai. After rendering several years of service, the petitioner's husband died on 18.06.2014. After the death of the petitioner's husband, the petitioner was not given any terminal benefits. Hence, the petitioner made a representation to the second respondent. However, the second respondent directed the petitioner to produce the documents related to the marriage and other documents if any. As directed by the second respondent, the petitioner has produced the Transfer Certificate of her son and her Community



Certificate. After producing the said documents, the second respondent has not taken any steps to disburse the death benefits. Hence, the present Writ Petition is filed.

3.It is submitted by the third respondent that one Manonmani, who claims to be the first wife of the deceased Thangaraj, filed an impleading petition in W.M.P(MD)No.17601 of 2019 before this Court.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 has filed counter affidavit.

5.On a perusal of the counter affidavit reveals that the deceased Thangaraj, worked as Office Assistant in Sub Treasury, Thovalai and died on 18.06.2014, which was informed by his wife viz., Manonmani, through a letter dated 19.06.2014 and in the Service Records, the deceased Thangaraj, has mentioned the name of Manonmani as his wife, the name of Priyadharshini, as his daughter and the name of Sudharson, as his son. After the death of the deceased Thangaraj, the said Manonmani sent a representation for disbursement of the terminal benefits. Immediately, the writ petitioner filed an objection petition on 26.08.2014.

6.Further, the learned Additional Government Pleader, on instructions, would submit that the deceased Thangaraj borrowed huge loan from the Society. In view of the dispute between the wives, the terminal benefits were not settled and it has to be resolved only before the competent Civil Court and the third respondent to work out her remedy before the competent Civil forum and after resolving the dispute, the terminal benefits will be settled to the legal heirs of the deceased Thangaraj.

7.The facts in the present case are not in dispute. Admittedly, the petitioner claimed that she is the first wife of the deceased Thangaraj and the third respondent also claimed that she is the first wife of the deceased Thangaraj. It is also not in dispute that the said Manonmani name was mentioned, as wife, in the service records of the deceased.

8.In view of the above, this Court is of the considered opinion that the dispute between the petitioner and the third respondent has to be resolved only before the competent Court. Hence, this Writ Petition is dismissed with liberty to the petitioner as well as the third respondent to work out their remedy before the competent forum, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Treasury Officer,
Thovalai, Boothapandi,
Kanyakumari District.

+1 CC to M/s.J.SENTHIL KUMARIAH, Advocate (SR-10322[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10549[F] dated 11/03/2021)

+1 CC to M/s.S.SATHEESH KUMAR, Advocate (SR-11192[F] dated 15/03/2021)

W.P. (MD) No.13882 of 2017

10.03.2021

SVN(CO)

KK(29.03.2021) 3P 6C