



WEB COPY



W.P.No.19968 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.19968 of 2012
and M.P.No.1 of 2012**

Illamalli
W/o (Late) A.Kuppan

... Petitioner

Vs.

1.The Chairman
Chennai Port Trust
Rajaji Salai
Chennai – 600 001.

2.The Accounts Officer (Pension)
Chennai Port Trust
Administrative Office
Rajaji Salai
Chennai – 600 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertains to letter issued by the 2nd respondent in A.O.[PENSION]/UNIT-IV/PPO.NO.1515 DLB/2012/F Dated 15.06.2012 and quash the same and consequently direct the respondents herein to pay the family pension due to the petitioner since from the death of her husband, till date with 12 % p.a.,



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accrued interest, without insisting the petitioner to produce decree or court order with regard to who is entitled to avail family pension benefit or dispensing with the production of such order.

For Petitioner : Mr.S.Sathiaselvan
For Respondents : Mr.M.Palanimuthu

ORDER

This Writ Petition has been filed for issuance of writ of certiorarified mandamus, to call for the records pertaining to letter issued by the 2nd respondent in A.O. [PENSION]/UNIT-IV/PPO.NO.1515 DLB/2012/F dated 15.06.2012 and quash the same and consequently direct the respondents to pay the family pension due to the petitioner since from the death of her husband till date with 12 % p.a., without insisting the petitioner to produce decree or court order, with regard to availing family pension benefit.

2.The petitioner herein is the wife of one Late Kuppan @ Abraham, who was employed in the Chennai Port Trust, as Maistry. Initially, in the service records of Kuppan, he had declared the petitioner as his nominee. But, later he declared one Padmavathy @ Padma, who is his 2nd wife as his



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nominee in the service records. Therefore, immediately after the death of

Kuppan, both the petitioner as well as the said Padmavathy applied for

family pension benefits. Hence, the 2nd respondent herein vide letter dated 21.03.2011 sent a reply stating that since two different names were mentioned as nominee, at different point of time, the beneficiary for family pension can be decided only on a decree from the competent court, as to who is entitled to avail family pension.

3.The learned counsel for the petitioner would submit that the rival claimant, viz., Padmavathy @ Padma, who is the 2nd wife of Kuppan, died on 15.06.2011 and now, the petitioner is the only legal heir of the deceased Kuppan. However, the 2nd respondent without considering the same, issued the order impugned in this Writ Petition, which needs to be set aside.

4.Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials.



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5.On perusal of records it is seen that the deceased – Kuppan's family pension benefits could not be processed by the respondents, due to the rival claimants. Now, the learned counsel for the respondents produced the letter No.EDLB/Legal/W.P.19968/878/2015/GA dated 06.11.2017 to the effect that there is no rival claim received from the said Padma @ Padmavathy, wherein, it is made clear that the petitioner is the Legal Heir of deceased Kuppan.

6.The petitioner, being, the 1st wife of the deceased Kuppan and also in view of the letter issued by the 2nd respondent dated 06.11.2017, the petitioner is entitled for her family pension. Accordingly, the order passed by the 2nd respondent in A.O. [PENSION]/UNIT-IV/PPO.NO.1515 DLB/2012/F dated 15.06.2012 is hereby set aside and the respondents are directed to pay the family pension, since from the death of her husband, along with interest at the rate of 7.5% per annum, to the petitioner herein within a period of eight weeks from the date of receipt of a copy of this order.



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With the above direction, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

25.11.2022

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
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To
1.The Chairman
Chennai Port Trust
Rajaji Salai
Chennai – 600 001.

2.The Accounts Officer (Pension)
Chennai Port Trust
Administrative Office
Rajaji Salai
Chennai – 600 001.



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J.NISHA BANU, J.,

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