



W.P.No.8630 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2022

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.8630 of 2021

V.Rani

.... Petitioner

Vs.

1. The District Educational Officer,
Udayarpalayam,
Ariyalur District.

2. The Chief Educational Officer,
Ariyalur, Ariyalur District.

3. The District Treasurer,
Office of the District Treasury,
Ariyalur District.

4. The Principal Accountant General,
(Accounts and Entitlements),
No.361, Anna Salai, Teynampet,
Chennai 600 018.

5. Logambal

...Respondents

Prayer : This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse the pensionary benefits of late S.Veerassamy who worked as Night Watchman in Government Higher Secondary



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School, Kodalikaruppur under the first respondent in pursuant to the Award passed by the Lok Adalat at Jayankondam in LAC No.1411 of 2018 in O.S.No.338 of 2011 dated 10.08.2018.

For Petitioner : Mr.R.Jayaprakash
For Respondents : Mr.T.Chezhiyan, Addl.Govt.Pleader
for R1 to R3
Mrs.T.Selvarani for R4
Mrs.M.Senthil Vadivu for R5

ORDER

This petition has been filed to issue a Writ of Mandamus, directing the respondents to disburse the pensionary benefits of late S.Veerasamy, in pursuant to the Award passed by the Lok Adalat at Jayankondam in LAC No.1411 of 2018 in O.S.No.338 of 2011 dated 10.08.2018.

2. The petitioner was married to one S.Veerasamy and in the wedlock, three children born to them. The petitioner's husband S.Veerasamy was working as Night Watchman in a Government Higher Secondary School, Kodalikaruppur under the first respondent and he



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retired from service on 30.06.2000. Subsequently, a compromise was entered into between the petitioner and the 5th respondent (first wife of deceased S.Veerasamy) by way of Muchilika dated 16.10.2000, thereby, the fifth respondent claimed the properties and jewels and accepted to receive the pensionary benefits by the petitioner. After that, due to illness and old age, he died on 26.07.2010. The deceased S.Veerasamy had registered the petitioner's name as nominee in the pension book to receive the pension, after his death and she received the pension till 02.11.2010.

3. In such circumstances, a suit in O.S.No.338 of 2011 was filed by the fifth respondent and the matter was settled before the Lok Adalat on 10.08.2018. As per the Lok Adalat Award passed in LAC No.1411 of 2018 in O.S. 338 of 2011, it was agreed by the parties that the petitioner shall be given pensionary benefits from 02.11.2010 to 10.08.2018, who shall after having half of the amount, shall give the remaining half of the amount to the fifth respondent. Further, the pensionary benefits from 10.08.2018, shall be given to the petitioner, who shall after having two-third of the amount, shall give the



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remaining one-third to the fifth respondent. Though the third respondent vide order dated 05.03.2019 directed the fourth respondent to disburse the pensionary benefits, till date, no action was taken. Hence this writ petition.

4. The learned Additional Government Pleader submitted that the fifth respondent is a wife of the deceased S.Veerassamy and therefore, the marriage between the petitioner and the deceased cannot be treated as legal one and also the petitioner is not a legally wedded wife of the deceased. Therefore, the pensionary benefits can be disbursed only the fifth respondent.

5. Today, an Additional Affidavit has also been filed by the petitioner, stating that, in order to overcome the difficulty involved in the matter in disbursing the pensionary benefits to her from 10.08.2018, she agreed to give the pensionary benefits to the fifth respondent, who shall after having one-third share of the same, should give the two-third share to the petitioner, as per the Award passed in LAC No.1411 of 2018 dated 10.08.2018. Likewise, in respect of the



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arrears of pension from 02.11.2010 to 10.08.2018, it shall also be given to the fifth respondent, who shall after having 50% of the same, should give the other 50% to the petitioner, as per LAC No.1411 of 2018 dated 10.08.2018.

6. It is an admitted fact that in the Pension Book, the deceased S.Veerassamy had nominated the petitioner to receive his pensionary benefits, after his death. Therefore, as per the Rules, she is entitled to get the pensionary benefits. Further, there arose a dispute between the petitioner and the 5th respondent and they approached the civil court by filing O.S.No.338 of 2011 before the District Munsif, Jeyankondam and during the pendency of the suit, settlement was arrived between them before the Lok Adalat and An Award has also been passed in LAC No.1411 of 2018 in O.S.338 of 2011 dated 10.08.2018. In such circumstances, the third respondent cannot deny to disburse the pensionary benefits to petitioner, who is a nominee of the deceased employee. Though the petitioner has filed an Additional Affidavit agreeing to receive the pensionary benefits by the fifth respondent, who in turn shall give the petitioner's share, as agreed in the Lok



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Adalat settlement, as a nominee, she is entitled to get the pensionary benefits. Further, the learned counsel for the petitioner submitted that the petitioner is willing to abide by the lok adalat Settlement and she agreed to give the fifth respondent's share, as agreed in the Lok Adalat Settlement.

7. Inview of the above, it is ordered as follows.

i) The third respondent is directed to disburse the pensionary benefits to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order, if otherwise she is eligible.

8. With the above directions, this writ petition is disposed of. No costs.

28.06.2022

Index : Yes/No
Internet: Yes/No
mst



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To
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