



W.P.No.38132 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.38132 of 2016
and
W.M.P.No.32676 of 2016

Baladevi

...Petitioner

-Vs-

1.The Director,
Technical Education Directorate,
Chennai - 25.

2.The Director,
Thiyagarajar Polytechnic College,
Salem.

3.Correspondent,
Thiyagarajar Polytechnic College,
Salem.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 19.10.2015 in respect of seeking all benefits and other claims retrospective with respect to the petitioner's husband's employment as Lab Assistant at Thiyagarajar Polytechnic College, Salem.



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For Petitioner : Prof.M.Udaya Bhanu
For R1 & R2 : Mr.M.Shahjahan,
Special Government Pleader
For R3 : Mr.R.Nalliyappan

ORDER

Heard Prof.M.Udaya Bhanu, learned counsel for the petitioner, Mr.M.Shahjahan, learned Special Government Pleader for the respondents 1 and 2 and Mr.R.Nalliyappan, learned counsel for the third respondent.

2. The petitioner herein had originally married a Government employee namely Udhaya Kumar on 10.12.1986. The marriage was dissolved through a decree of divorce on 26.06.2012. granted in M.C.O.P.No.370 of 2011 on the file of the learned Family Judge, Salem. Pursuant to that decree of divorce, the employee had married one Thenmozhi on 09.09.2013, which marriage was also registered before the Registrar of Marriage, Salem, on 19.09.2013. The employee had also submitted Form-A, which is the nomination for death cum retirement gratuity (DCRG) benefits in the name of his wife Thenmozhi, for the purpose of receiving the DCRG benefits and family pension. Thereafter, he had expired on 07.09.2015. The petitioner now seeks for DCRG and pensionary benefits in her favour.



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3. After the employee had divorced the petitioner herein, he had entered into a valid marriage with Thenmozhi, who was not made as a party respondent. The order of the Family Court granting the decree of divorce has become final. This apart, the late employee had also nominated Thenmozhi for family pension and DCRG benefits. While that being so, the petitioner herein may not have any legal right whatsoever to claim the benefits arising out of the death of the late employee.

4. In the absence of nomination in the petitioner's favour for disbursement of the DCRG and family pension, I am of the view that the petitioner has not made out any case for seeking the monetary benefits of the late employee.

5. Thus, there are no merits in the present writ petition. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.12.2022

Index:Yes/No
Speaking order/Non-speaking order
hvk



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To

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- 3.The Correspondent,
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M.S.RAMESH,J.

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