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W.P.No.16970 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.16970 of 2021

V.Thenmozhi

... Petitioner

Vs.

1.Indian Oil Corporation Limited,
Western Region,
The Deputy General Manager(ER),
Indian Oil Bhavan-BKC, Plot C-33, G-Block,
Bandra Kurla Complex, Bandra (East),
Mumbai - 400 051.

2.Indian Oil Corporation Limited,
Western Region,
The Chief General Manager (HR), WRO,
Indian Oil Bhavan-BKC, Plot C-33, G-Block,
Bandra Kurla Complex, Bandra (East),
Mumbai - 400 051.

3.Indian Oil Corporation Limited,
Marketing Division, Southern Region,
The General Manager I/c.(ER), SR,
Indian Oil Bhavan,
139, Uthamar Gandhi Road, (Nungambakkam High Road),
Chennai - 600 034.

4.V.Jayanthi

... Respondents



PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent's proceedings Ref.WR/PERS/SV dated 28.05.2021 and quash the same and direct the respondents 1 to 3 pay the terminal benefits of Late.Shri.S.Vanjicko, GM(Terminal), ECN 23123 viz., provident fund, gratuity, SABF Pension, etc., to the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Srinivasa Babu

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.
for R1 to R3

Mr.N.Umapathi
for R4

ORDER

This Writ Petition has been filed challenging the impugned order of the first respondent dated 28.05.2021, under which the request made by the petitioner for payment of terminal benefits of her late Husband S.Vanjicko was rejected on the ground that, as per the service register, though the name of the petitioner and her two children are disclosed as legal heirs, there was a counter claim made by the fourth respondent, who also claims to be a wife and that she and her children are also the legal heirs. The petitioner was



directed to workout her remedies before the competent Court.

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2. Admittedly, S.Vanjicko was General Manager (Terminal) in the respondent Oil Corporation and he died while in service. The petitioner claims to be the legally wedded wife of S.Vanjicko. She claims that she is having two children out of her wedlock with S.Vanjicko. However, the fourth respondent also claims to be the wife of S.Vanjicko. She claims that she is having two children out of her wedlock with S.Vanjicko.

3. Admittedly, the fourth respondent got married on 23.11.2001 whereas the petitioner's marriage with S.Vanjicko was on 01.12.1995. The petitioner's marriage with S.Vanjicko has also been recorded in the service records of S.Vanjicko.

4. Learned counsel for the respondent Oil Corporation also submits that the petitioner is the legally wedded wife of S.Vanjicko and her name finds a place as the wife of S.Vanjicko in the service records. According to the learned counsel for the respondent Oil Corporation, on verification after a counter claim was made by the fourth respondent, it was found that the



fourth respondent is having two children out of her wedlock with S.Vanjicko. He would also submit on instructions that the respondent Oil Corporation is willing to disburse the retirement benefits to the legal heirs of the deceased, S.Vanjicko. He would submit that, on verification, it was found that the legal heirs of the deceased, S.Vanjicko are the petitioner and her two children namely,

- a) V.Vijay and;
- b) V.Charan; and
- c) the petitioner's mother in law viz., R.Karpagam, who is the mother of the deceased, S.Vanjicko.

5. The fourth respondent, who has married the deceased, S.Vanjicko as a second marriage, has got two children namely,

- a) S.Jothiga and;
- b) S.Priyadharshini.

The same is also not disputed by the learned counsel for the petitioner on instructions.



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6. The fourth respondent cannot claim to be a legal heir as she has married the deceased, S.Vanjicko when the petitioner was very much alive. Therefore, she cannot be declared as a legal heir for the deceased S.Vanjicko. It is therefore clear that the legal heirs of the deceased, S.Vanjicko are the following persons;

- a) V.Thenmozhi (the Petitioner herein);
- b) V.Vijay;
- c) V.Charan;
- d) R.Karpagam (Mother of the deceased, S.Vanjicko);
- e) S.Jothiga (Daughter of the 2nd wife, viz., the fourth respondent herein and the deceased, S.Vanjicko);
- f) S.Priyadharshini (Daughter of the 2nd wife, viz., the fourth respondent herein and the deceased, S.Vanjicko).

7. The learned counsel for the fourth respondent has also not raised any serious objection, if the first respondent / Oil Corporation disburses the retirement benefits to all the legal heirs of the deceased, S.Vanjicko in equal proportions.



8. The learned counsel for the petitioner would submit that, in so far as the family pension is concerned, the petitioner and her mother-in-law alone are entitled and for the said submission, the learned counsel for the fourth respondent has not raised any serious objection.

9. In view of the above, this Writ Petition is disposed of by directing the first respondent / Oil Corporation to disburse the retirement benefits of the deceased, S.Vanjicko excepting pension to the following legal heirs in equal proportions;

- a) V.Thenmozhi (the Petitioner herein);
- b) V.Vijay;
- c) V.Charan;
- d) R.Karpagam (Mother of the deceased, S.Vanjicko);
- e) S.Jothiga (Daughter of the 2nd wife, viz., the fourth respondent herein and the deceased, S.Vanjicko);
- f) S.Priyadharshini (Daughter of the 2nd wife, viz., the fourth respondent herein and the deceased, S.Vanjicko)

and to disburse the family pension to the petitioner and her mother-in-law alone, within a period of eight weeks from the date of receipt of a copy of



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this order.

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10. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
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ABDUL QUDDHOSE. J.,

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