



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.4665 of 2021

WEB COPY

O.Chinnasamy

... Petitioner

Vs.

1.The Superintendent of Police (Rural),
Surveyor Colony, Madurai District,
Madurai.

2.The Deputy Superintendent of Police,
Usilampatti Division,
Usilampatti Taluk,
Madurai District.

3.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti Taluk,
Madurai District.

4.The Accountant General,
Tamilnadu Region,
Tenampet, Chennai.

5.Virumayee

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 25.11.2020 as per the Pension Rules, 1978 and to pay the share from the pension cum retirement benefits payable to the deceased Veeranan, who is the son of the petitioner and was working as Special Sub-Inspector of Police, Usilampatti, as he is the father / one among the legal heir of the deceased Veeranan, within a stipulated time limit.

For Petitioner

: Mr.K.C.Ramalingam

For Respondents

: Mr.A.Kannan
Additional Government Pleader
for R.1 to R.4

Mr.B.Chandran for R.5

**ORDER**

The petitioner before this Court is the father of one Veeranan, who worked as Special Sub-Inspector of Police, Usilampatti. The said Veeranan is no more. The petitioner, being one of his legal heirs, has filed this writ petition seeking a direction to the official respondents to pay his share from the pension cum retirement benefits payable to his deceased son.

2.Mr.B.Chandran, learned Counsel appearing for the fifth respondent submitted that the fifth respondent is the legally wedded wife of the deceased Veeranan. The deceased has nominated his wife / the fifth respondent in his official records and she is the Class-I heir, as such, she alone is entitled for the terminal benefits. He further submitted that the petitioner is not having any relationship with the deceased. The deceased is the son of the petitioner and the first wife. After the demise of the deceased's mother, the petitioner married another woman and is living separately. There is no contact, whatsoever, between the petitioner and the deceased. That apart, the petitioner is having sufficient means and he has already constructed a house, worth about Twenty Lakh rupees and donated the same to his second wife and family.

3.Mr.A.Kannan, learned Additional Government Pleader appearing for the official respondents, submitted that the Department has already taken a decision to settle the amount with the fifth respondent. The pension proposals have already been forwarded to the fourth respondent on 05.01.2022, as per the pension rules.

4.Heard the learned Counsel appearing for the petitioner as well.

5.Admittedly, the fifth respondent is the wife of the deceased Veeranan and she is the nominee in the service records of the deceased. She is the Class-I heir of the deceased. The petitioner, therefore, is not entitled for any terminal benefits. The Department has rightly taken a decision and has forwarded the pension proposals to the Office of the Accountant General.

6.Under such circumstances, this Court is not inclined to entertain this writ petition and the same is accordingly, dismissed. There shall be no order as to costs.

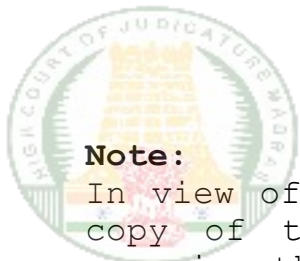
Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

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 Superintendent of Police (Rural),
Surveyor Colony,
Madurai District,
Madurai.
- 2.The Deputy Superintendent of Police,
Usilampatti Division,
Usilampatti Taluk,
Madurai District.
- 3.The Inspector of Police,
Usilampatti Taluk Police Station,
Usilampatti Taluk,
Madurai District.
- 4.The Accountant General,
Tamilnadu Region,
Tenampet, Chennai.

+1 CC to M/s.B.CHANDRAN, Advocate (SR-1857[F] dated 20/01/2022)

+1 CC to M/s.SPL.GP (SR-2018[F] dated 21/01/2022)

W.P(MD) No.4665 of 2021

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nsn(CO)

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