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W.P.No.11414 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18/10/2023

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

Writ Petition No.11414 of 2015

A.K.Angaiyan ... Petitioner

Vs

1. The Director of School Education
College Road, Nungambakkam
Chennai 600 006.
2. The Director of Pension
College Road, Nungambakkam
Chennai 600 006.
3. The District Educational Officer
Ponneri Post, Ponneri
Tiruvellore District 601 201.
4. The Pay & Accounts Officer
College Road
Chennai 600 006.
5. The Headmaster
St. Marys Govt Girls Higher
Secondary School
Arambakkam, Gummudipoondi Taluk
Thiruvellore District 601 201.

6. S. Ramesh ... Respondents



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WEB COPY Prayer: Petition filed under Article 226 of the Constitution of India

for the issuance of a writ of mandamus to direct the first respondent to issue necessary orders in pursuant to letter dated 6/3/2014 bearing Na.Ka.No.2282/A3/2013 addressed by the third respondent enabling the fourth respondent to disburse the terminal benefits of late Jamuna Rani to the petitioner who is the sole surviving legal heir.

For petitioner	...	Mr.V.Parthiban for Ms.P.Bhuvaneswari
For respondents	...	Ms.C.Sangamithirai Special Government Pleader for R.R.1 to 4.
		Mr.A.Balasingh Ramanujam for R.6

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ORDER

This writ petition is filed to direct the first respondent to issue necessary orders pursuant to the letter dated 6/3/2014 enabling the fourth respondent to disburse the terminal benefits of late Jamuna Rani to the petitioner, who is the sole surviving legal heir.



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2. The facts in brief as per the affidavit are that the petitioner's wife by name Jamuna Rani was working as Secondary Grade Teacher at St.Mary's Government Higher Secondary School, Arambakkam. While she was in service, she had her last breath on 4/7/2012. There were no issues to her. The petitioner's wife, during her life time, persuaded the petitioner to remarry, thereby, the petitioner has married one Bala.

3. Jamuna Rani has brought up her younger sister's son by name S.Ramesh/R.6, as foster son. The petitioner's husband sold some immovable property situated in Pattaikuppam village for treatment of his wife. Sixth respondent as a foster son have obtained the signature of Jamuna Rani in some blank papers and created a Will as if the petitioner's wife has executed a Will.

4. The Tahsildar, Gummidipoondi, vide, reference No.8129/2012/A1 dated 5/3/2013 has issued a Legal heir ship certificate for grant of terminal benefits to the effect that the petitioner is the sole surviving legal heir of Jamuna Rani. The third respondent/District Educational Officer has addressed a letter to the Pay & Accounts Office for sanction



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of terminal benefits of the deceased Jamuna Rani. The third respondent has also addressed a letter to the first respondent, dated 6/3/2014 about the execution of Will by judgment debtor mentioning the sixth respondent as her son. Even though the petitioner's wife has nominated the sixth respondent, as her legal heir, the authorities ought to have directed the sixth respondent to obtain a declaration from the competent Civil Court. Hence filed the writ petition.

5. The third respondent/District Educational Officer has filed a counter stating that on 21/4/2014, the petitioner during the life time of his wife Jamuna Rani, remarried one Bala, thereby, the petitioner cannot claim family pension and in the service register, name of the sixth respondent has been incorporated, as the son of the deceased.

6. Sixth respondent has filed a counter, wherein it is stated that the petitioner has no locus standi to file the writ petition and moreover, the deceased has nominated the sixth respondent to receive the terminal benefits.



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7. Heard Mr.V.Parthiban, learned counsel for the petitioner, Ms.C.Sangamithirai, learned Special GovernmentPleader for the respondents 1 to 4 and Mr.A.Balasingh Ramanujam learned counsel for the sixth respondent.

8. During the course of arguments, learned counsel for the petitioner submits that since Jamuna Rani is no more, while disbursement of terminal benefits, the authorities ought to have directed the sixth respondent to obtain a declaration from the competent Civil Court.

9. Considering the submissions made above, it is clear that the petitioner's wife died, nominating the sixth respondent as her nominee to receive the terminal benefits. According to the learned Special Government Pleader, since the deceased first wife has nominated the sixth respondent, they are bound to pay the terminal benefits to the sixth respondent. Once the petitioner's wife has nominated the sixth respondent to receive the terminal benefits, it has to be examined whether the petitioner being the husband of the deceased employee can seek for terminal benefits against the nomination made by the deceased wife. Since the learned counsel for the petitioner has got instructions



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that petitioner's children are also claiming terminal benefits of the petitioner's deceased wife, the issue has to be resolved by way of Civil Suit.

10. In view of the above, this writ petition is disposed of, directing the legal heirs of the petitioner to approach the appropriate Civil Court, for the appropriate relief. No costs.

18/10/2023

mvs.

Index: Yes/No

Neutral Citation: Yes/No



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