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W.P.No.21505 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21505 of 2013
and M.P.No.1 of 2013

A.Sundarambal

... Petitioner

-Vs-

1. The Accounts Officer,
The Office of Principal Accountant General
(Accounts and Entitlements) Tamil Nadu,
Teynampet,
Chennai 600 018.
 2. The District Educational Officer,
Ariyalur District,
Ariyalur.
 3. The Head Master,
Government High School,
Rayampuram,
Ariyalur-621 718.
 4. A.Premkumar
(R4 impleaded vide order dated
11.03.2022 made in
W.M.P.No.2641 of 2020
in W.P.No.21505 of 2013)
- ... Respondents



W.P.No.21505 of 2013

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned communication issued by the first respondent dated 10.07.2013 by way of Telegram and to quash the same and consequently direct the respondents to disburse the payment of GPF to the petitioner based on the authorization letter by the first respondent in NO.GPF 2/1/F.W 2-2013/C4-3/ 2013-2014/ DC-58/ 336 dated 29.04.2013 within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

For Respondents
R1 : Mr.V.Vijay Shankar
R2 and R3 : Mr.M.P.Murugan Raja
Government Advocate

ORDER

This Writ Petition has been filed challenging the Telegram issued by the first respondent, thereby stopped the disbursal of GPF to the petitioner.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

3. The petitioner's husband was employed as a Head Master in



W.P.No.21505 of 2013

WEB COPY

Rayampuram Government High School, Ariyalur and he died on 15.10.2011. While he was in service, he got married with the mother of the fourth respondent herein and gave birth to the fourth respondent. On 25.02.2010, his first wife died and he got married with the petitioner as his second wife on 21.11.2010. On the demise of the petitioner's husband, his terminal benefits including the gratuity, family pension have been settled in favour of the petitioner and also in favour of the fourth respondent. Insofar as the family pension and gratuity is concerned, the family members are entitled for the same, provided that they are not minor and not crossed 25 years of age and remain unmarried. Since the petitioner is alive, she is entitled for family pension and she is also receiving the family pension. Insofar as the terminal benefits, including gratuity and other benefits, are concerned, the petitioner and the fourth respondent are entitled for share of 50% each. While being so, the first respondent had issued the proceedings dated 29.04.2013 authorizing for payment of GPF in favour of the petitioner. However, on receipt of the objections from the fourth respondent, it was stopped by the first respondent by a telegram dated 02.07.2013.

4. Mr.G.Sankaran, the learned Senior Counsel appearing for the



W.P.No.21505 of 2013

petitioner submitted that the marriage of the petitioner was also duly registered and it was also duly entered in the Service Register of her husband. Therefore, she is entitled to get 50% of GPF. It was also duly authorized by the first respondent in favour of the petitioner.

5. The first respondent filed counter and the learned counsel for the first respondent submitted that the copy of GPF nomination dated 02.02.2000 filed by the husband of the petitioner was received by the first respondent wherein the son of his first wife was also nominated to receive GPF amount at 50%. Now, the first wife died and as such the fourth respondent alone is entitled to get the entire GPF amount. Rule 30(1)(a) of GPF Rules deals with subsistence of nomination. If nomination is in place, the amount becomes payable to nominees in the proposition specified therein, provided the nominee should be a member of the family on the date of death of the subscriber. One of the nominees, namely, the first wife of the husband of the petitioner herein had expired and therefore, the amount devolves on the remaining nominee namely, the fourth respondent herein. Hence, 100% GPF amount is payable to the fourth respondent. However, the first respondent without passing any



W.P.No.21505 of 2013

order, simply stopped the payment of authorization by way of telegram.

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6. Considering the above facts and circumstances of the case, the first respondent is directed to give an opportunity of hearing to the petitioner and the fourth respondent and pass appropriate orders, as per Rule 30(1)(a) of GPF Rules and as per G.O.No.412 dated 17.10.2013, in respect of payment of GPF to the nominee viz., fourth respondent, within a period of two weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

24.07.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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W.P.No.21505 of 2013

G.K.ILANTHIRAIYAN, J.

mn

To

1. The Accounts Officer,
The Office of Principal Accountant General
(Accounts and Entitlements) Tamil Nadu,
Teynampet,
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W.P.No.21505 of 2013

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