



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.13842 of 2021
and
W.M.P.No.14713 of 2021

Pandiyarajammai Ganesan

...

Petitioner

versus

1.M/s.Bharath Heavy Electricals Limited,
Represented by its General Manager,
Human Resource Management,
Boiler Auxiliaries Plant,
Ranipet - 632 406.

2.G.Kalaimani

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in Ref: BAP:HR-FS, dated 10.06.2021, on the file of the 1st respondent and quash the same as illegal, incompetent and wholly without jurisdiction and further direct the 1st respondent to pay the service benefits due to the petitioner.

For Petitioner

:

Mr.Sunny Sheen
for M/s.V.Srimathi

For Respondent No.1

:

Mr.A.V.Arun
Assisted by Mr.M.A.Aruneshe



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For Respondent No.2 : M/s.G.Abarna

ORDER

The petitioner has filed this petition seeking a writ of Certiorarified Mandamus, calling for the records in Ref: BAP:HR-FS, dated 10.06.2021, on the file of the 1st respondent and quash the same and consequently direct the 1st respondent to pay the service benefits to the petitioner.

2. Heard Mr.Sunny Sheen, learned counsel for the petitioner, Mr.A.V.Arun, learned counsel for the first respondent, M/s.G.Abarna, learned counsel for the second respondent and perused the materials available on record.

3. The petitioner's husband namely Ganesan was working as Assistant Engineer in the Human Resource Management Department of BHEL and he died on harness on 17.03.2021. The petitioner and children are the only legal heirs of the deceased Ganesan. Even though the deceased had shown the petitioner is the nominee to receive his service benefits, the first respondent did not disburse the terminal benefits of the deceased to her.



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4. Mr.Sunny Sheen, learned counsel for the petitioner submitted that the second respondent also claims herself as the daughter of the deceased Ganesan and because of her objection, the first respondent has stopped the disbursal of the terminal benefits of the deceased to her.

5. Now, it is learnt from the submission made by Mr.A.V.Arun, learned counsel for the first respondent that the second respondent had filed a Civil Suit in O.S.No.45 of 2021 before the District Munsif Court, Sathur, to declare the marriage between the petitioner and the deceased Ganesan is not valid and that the petitioner is not lawful legal heir of the deceased.

6. Only if the parties appear before the trial Court and participate in the proceedings and prove their respective claim, the factual aspects can be cleared. Before that the first respondent is not able to pass any orders in respect of the disbursement of terminal benefits to the petitioner.

7. Hence, this Writ Petition is **closed**, with liberty to the petitioner and the second respondent to settle their claim with regard to their respective status in O.S.No.45 of 2021 filed by the second respondent



before the District Munsif Court, Sathur. No costs. Consequently, connected

Miscellaneous Petition is closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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