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W.P.No.6115 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM :

**THE HON'BLE Ms. JUSTICE R.N. MANJULA**

W.P.No.6115 of 2020

1.S.Amudha  
2.Vanitha  
3.P.Nagooran

... Petitioners

Versus

1.The Director,  
Directorate of Animal Husbandry  
and Veterinary Service,  
DMS Complex, 3<sup>rd</sup> Floor, Block II,  
Anna Salai, Teynampet,  
Chennai – 600 0018.

2.The Regional Joint Director,  
Animal Husbandry Dept.  
Salem.

3.The Chief Doctor,  
Govt.Veterinary Dispensary,  
Salem – 636 001.

4.The Treasury Officer,  
District Treasury,  
District Collectorate Office Campus,  
Salem – 636 001.

... Respondents

[ R-4 Suo Motu impleaded vide order dated 25.07.2023]



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to disburse the retirement and other benefits of the deceased M.Natesan, including the eligible death benefits to employees who died during the course of employment as announced by the Government of Tamil Nadu.

For Petitioners : Mr. K.M.S. Muthukumaran,  
for Mr.K.M.Subramanian

For Respondents : Mr. G. Nanmaran,  
Special Government Pleader (R1-R3)

### **ORDER**

This Writ Petition has been filed to direct the 2<sup>nd</sup> and 3<sup>rd</sup> respondents to disburse the retirement and other benefits of the deceased M. Natesan, including the eligible death benefits as announced by the Government of Tamil Nadu, to the employees who died during the course of employment.

2.The petitioners herein are the children of the brother of the deceased M. Natesan, who was an employee of the third respondent department. He died while in service. Since he remained unmarried, did not have any first class legal heirs. The petitioners are claiming themselves as second class legal heirs of the deceased M. Natesan. They approached the 2<sup>nd</sup> and 3<sup>rd</sup>



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respondents and submitted the documents showing their relationships and claimed the death cum retirement benefits of the said deceased M. Natesan.

The 2<sup>nd</sup> and 3<sup>rd</sup> respondents rejected the claim of the petitioners, against which, the petitioners have come forward with the present Writ Petition before this Court.

3.The objections raised for rejecting the claim of the petitioners in respect of the retirement benefits, is that deceased M. Natesan had not nominated either his parents, brother, or unmarried sisters or widow sisters to receive those benefits. The order of nomination is only to enable the Government to pay the retirement benefits conveniently to the family of the deceased M. Natesan, instead of finding out his legal heirs by itself. Even though any members of the family, are nominated to receive any of the death cum retirement benefits of the deceased employee, that does not mean that the nominee alone is entitled to the said benefits and the rest of the legal heirs do not have any right over the said assets. If the deceased employee fails to make any nomination but dies subsequently, the Government cannot deny the benefits to the legal heirs who are otherwise entitled to inherit their rights in according to their respective law of succession.



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4. Admittedly, the deceased M. Natesan is a Hindu and he is governed under the Hindu Succession Act. It is needless to add that even though the petitioners had filed a suit in O.S.No.18 of 2016 before the District Magistrate Court, Thiruthuraipoondi, to declare that they are entitled to receive the service benefits of the deceased M. Natesan. The suit was dismissed. But the cause of action for the above suit was the dispute between the legal heirs and the nominees.

5. Admittedly, the deceased employee has nominated the petitioners as his nominees. However, the legal heirs of the deceased M. Natesan have amicably settled their dispute between themselves and the dispute between the above parties has got nothing to do with the respondents. The one and only stand taken by the respondents is that the death cum retirement benefits can be settled only for the family members of the deceased and no one else. Even according to the respondents, the petitioners were shown as nominees for the deceased M. Natesan. It is understandable that the retirement benefits of the deceased like family pension cannot be claimed by any of the legal heirs unless otherwise they are shown as completely dependant on them. The petitioners are the class 2 legal heirs of the deceased. But under the Family Benefit Scheme, the legal heirs of the deceased employee are



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entitled to inherit. The Family Benefit Scheme is maintained with the contribution made by the employees concerned. So, it is unfair on the part of the respondents to deny the benefits of the petitioners for the reasons stated by them.

6.In the result, the Writ Petition stands allowed and the 2<sup>nd</sup> and 3<sup>rd</sup> respondents are directed to consider the petitioners as the legal heirs of the deceased M.Natesan and to pay all retirement benefits to them, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

**.20.10.2023**

Index : Yes/No  
Speaking / Non-Speaking order  
Neutral Citation : Yes/No

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**R.N. MANJULA, J.**

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