



W.P(MD)No.15074 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15074 of 2020

Angel Celine

... Petitioner

Vs.

1.State of Tamil Nadu,
Represented by its Secretary to Government,
Higher Education Department,
Secretariat, Fort St.George,
Chennai – 9.

2.The Director of Collegiate Education,
9th Floor, EVK Sambath Buildings,
College Road, Chennai – 6.

3.The Joint Director,
Government Arts College,
Dharmapuri Campus,
Dharmapuri – 636 705.

4.The Principal,
Government College of Arts and Science,
Hosur – 635 110,
Krishnagiri District.

5.Sebasthiammal

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to disburse the terminal benefits of the petitioner's deceased husband namely Dr. Arockia Baskaran, Assistant Professor in 4th respondent college within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R4.
Mr.V.Paneerselvam for R5.

ORDER

Heard the learned counsel on either side.

2.One Arockia Baskaran was employed as Assistant Professor in the fourth respondent college. He passed away on 27.11.2019. The question that arise for consideration is to whom the terminal benefits will have to be disbursed. The deceased employee had nominated the petitioner in his service book. However, when the petitioner went to receive the terminal benefits, the fourth respondent insisted to obtain no



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objection from the mother of the deceased employee. That is why, this writ petition came to be filed by adding the mother of the deceased employee as one of the respondents.

3.The learned counsel for the mother indicated that whatever the share to which the mother is entitled can even be settled in favour of the child. I do appreciate the stand of the fifth respondent. But when the petitioner has been named in the service book as nominee, the terminal benefits should be disbursed to the petitioner. The learned Additional Government Pleader draws my attention to the order dated 23.04.2019 made in W.P.(MD)No.518 of 2018 (M.Lavanya @ Lillyrose Vs. State of Tamilnadu and Others). A learned Judge of this Court in the said decision held as follows:-

“5.As per the Pension Rules, the legally wedded wife is competent to receive the terminal and pensionary benefits and the same cannot be shared by the mother of the deceased employee as per the Pension Rules. When the legally wedded wife is very much alive and set out the claim to receive the terminal and pensionary benefits, the authorities competent are bound to settle the same only in favour of the wife and the



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*pensionary benefits can never be shared between the parties,
which is in violation of the very scheme of pension itself.”*

4.In this view of the matter, the official respondents are directed to disburse the terminal benefits of the deceased employee to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. If any amount has already been disbursed, the same will be taken into account.

5.The writ petition is allowed accordingly. No costs.

20.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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