



W.A.(MD)No.1211 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.07.2023

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THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.(MD) No.1211 of 2023
and C.M.P. (MD) No.9108 of 2023

R.Parthasarathy

... Appellant/3rd party

Vs.

1.S.Shathya

... 1st Respondent/Writ
Petitioner

2.The District Educational Officer (Elementary),
Virudhunagar Subbiah Nadar School Campus,
Virudhunagar District.

3.The Block Educational Officer,
Thiruchuli Union (a) Reddiypatti,
Virudhunagar District.

4.The Accountant General (A & E),
Tamil Nadu,
361 Anna Salai,
Chennai – 600 018.

5.The Sub-Treasury Office,
Thiruchuli,
Virudhunagar District.

.. Respondents 2 to 5/
Respondents 1 to 4



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R.Lakshmi (Died on 25.04.2023)

... Respondent No.5 in the
Writ Petition

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order passed by this Court in W.P.(MD)No.5904 of 2023, dated 27.04.2023.

For Appellant

: Mr.M.Jothi Basu

For Respondents 2 & 3

: Mr.D.Sadiq Raja
Additional Government Pleader

* * *

J U D G M E N T

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge of this Court dated 27.04.2023, allowing the Writ Petition in W.P.(MD) No.5904 of 2023, filed by the first respondent, who is the daughter of Smt.Pandaribai.

2. The appellant is the brother-in-law of Smt.Pandaribai and the first respondent is her daughter. Smt.Pandaribai was employed as a Secondary Grade Teacher in Panchayat Union Primary School, Vannathiyenthal, Thiruchuli Union, Virudhunagar District. She died on



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16.06.2022 by committing suicide, leaving behind her daughter and son, namely, the first respondent and her brother Harikesh.

3. The question for consideration is the entitlement of the mother of the appellant / 5th respondent in the Writ Petition for service benefits of her daughter Pandaribai. It is the case of the appellant that the matrimonial relationship between the mother of the first respondent and her husband came to an end by grant of divorce on 16.11.2017 in H.M.O.P.No.33 of 2007 on the file of Sub Court, Aruppukottai. The fact that the first respondent is the daughter Smt. Pandaribai is not in dispute. However, the mother of the deceased Pandaribai raised an objection before the 5th respondent herein for the disbursement of the service benefits on the ground she is also a legal heir. Hence, the payment was withheld by the 5th respondent herein and that lead to the filing of the Writ Petition by the first respondent.

4. The learned Single Judge finding that the first respondent and her brother alone are entitled to the terminal benefits, allowed the Writ Petition filed by the first respondent for issuance of the directions to



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the respondents 1 to 4 in the Writ Petition not to disburse the Death cum Retirement Gratuity to the tune of Rs.20,00,000/- (Rupees Twenty Lakhs only) to the mother of the deceased R.Pandaribai. As against the order of the learned Single Judge in the above Writ Petition filed by the first respondent, appellant has filed the Writ Appeal on the ground that his mother is also the legal heir of deceased R.Pandaribai. Now she is no more.

5. Learned Counsel for the appellant submitted that the deceased appointed the 5th respondent in the Writ Petition / mother of the appellant as her nominee and therefore, the amount should be disbursed only to his mother. The learned Single Judge rejected the contention of the mother of the appellant on the ground that only the legal heirs of the deceased are entitled to get the monetary benefits on the death of the deceased. It cannot be disputed that the mother of the deceased is not a legal heir. Further, now she is no more. The mother of the deceased was appointed as a nominee only for the purpose of receiving the amount and not for appropriating it. She may hold the money for the benefits of legal heirs and not for herself. This position is settled and therefore, this Court finds no merit in the Writ Appeal.



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6. Accordingly, the Writ Appeal is dismissed. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
28.07.2023

NCC : Yes / No

Index : Yes / No

sj

To

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