



W.P.(MD)No.6596 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2023

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.6596 of 2016
and
W.M.P.(MD)No.5689 of 2016

Dhanalakshmi

... Petitioner

Vs.

1. The Chief Educational Officer,
Chief Educational Office,
Panagal Building,
Thanjaore.
2. The District Educational Officer,
District Educational Office,
Pattukottai,
Thanjaore District.
3. The Head Master,
Konraikadu Government High School,
Peravoorani Taluk,
Thanjore District.
4. M.Selvakumar

... Respondents



W.P.(MD)No.6596 of 2016

Prayer : This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other writ or direction in the nature of writ, directing the third respondent to disburse the death cum terminal benefits of deceased A.Devi worked in third respondent's school to the petitioner.

For Petitioner : Mr.R.Suriya Narayanan

For R1 to R3 : Mr.T.Amjadkhan
Government Advocate

For R4 : No appearance

ORDER

The present Writ Petition has been filed for issuance of a writ of mandamus, to direct the third respondent to disburse the death cum terminal benefits of the deceased A.Devi to the writ petitioner.

2. The writ petitioner is the mother of one A.Devi. The said Devi was working at Konraikadu Government High School, Thanjavur District. She had been appointed as B.T. Assistant. The said Devi married the fourth respondent on 03.04.2015. The writ petitioner alleges that due to matrimonial issues, she committed suicide on 24.12.2015. The core issue for deciding the case is that A.Devi has shown the writ petitioner as



W.P.(MD)No.6596 of 2016

nominee in her Service Records for the purpose of receiving the terminal benefits. The fourth respondent, who is the husband of the deceased Government employee, sought to claim stating that he is entitled to the benefits of the new pension scheme as he is the husband of the deceased. The issue that has to be decided is that as to whether the mother, who is a nominee in the Service Records, is entitled to the benefits or the fourth respondent, who is the husband and the legal heir, is entitled to the benefits.

3. Since the matter relates to issue of pension, at the request of Mr.P.Gunasekaran, learned Standing Counsel for Accountant General (Audit) to get a clarification on the issue, Mr.P.Gunasekaran has produced a clarification issued by the Government of Tamil Nadu in its Letter No. 29593A/Finance (Pension) Department/2009, dated 25.08.2009. The said clarification reads as follows:

“..... shall be paid to the nominee or in the absence of any nomination, to the legal heirs of the deceased employee.”



W.P.(MD)No.6596 of 2016

WEB COPY

4. From the clarification letter, it is very clear that the amount under the Contributory Pension Scheme is payable to the nominee and only in the absence of the nominee, the amount becomes payable to the legal heirs. The writ petitioner has produced the copy of the nomination form of the deceased Devi, whereunder, she has nominated the writ petitioner as person entitled to receive the Death cum Retirement Gratuity.

5. I have to point out here that even though notice was served on the fourth respondent, he has not appeared or he has not contested the proceedings.

6. Consequently, in the light of the clarification issued by the Government of Tamil Nadu, the writ petition has to succeed and the same is allowed. The respondents 1 and 2 are directed to verify the nomination form produced by the third respondent to them and after such verification, if the nomination made on the death of the writ petitioner has not been changed, the respondents 1 and 2 are directed to disburse Death cum Retirement Gratuity benefits to the writ petitioner. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



W.P.(MD)No.6596 of 2016

7. With the above directions, this Writ Petition is allowed.

WEB COPY

Consequently, connected Miscellaneous Petition is closed. No costs.

21.11.2023

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

1. The Chief Educational Officer,
Chief Educational Office,
Panagal Building,
Thanjaore.
2. The District Educational Officer,
District Educational Office,
Pattukottai,
Thanjaore District.
3. The Head Master,
Konraikadu Government High School,
Peravoorani Taluk,
Thanjore District.



WEB COPY



W.P.(MD)No.6596 of 2016

V.LAKSHMINARAYANAN,J.

csn

Order made in
W.P.(MD)No.6596 of 2016
and
W.M.P.(MD)No.5689 of 2016

Dated : 21.11.2023