



W.P.No.610 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.610 of 2022

and

W.M.P.No.660 of 2022

Sushila

... Petitioner

Vs.

- 1.The Zonal Accounts Officer,
485 MTB Building,
Annasalai, Teynampet,
Chennai – 600 018.
- 2.The Chief Educational Officer,
Murungapakkam, Tindivanam,
Villupuram District – 604 001.
- 3.The Headmaster,
Government High Secondary School,
Avvayarkuppam, Tindivanam District,
Villupuram District – 604 304.
- 4.Valarmathi

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the 1st respondent to disburse the service benefits of Sri Velmurugan.T Teacher, Avayyarkuppam Government Higher Secondary School, to the petitioner.

For Petitioner : Mr.S.Satyakumar
for M/s.V.Srimathi

For Respondents : Ms.T.S.Selvarani
for R1
Mr.S.Mythreye Chandru
Special Government Pleader
for R2 and R3
Mr.P.Ganesan
for R4

ORDER

The son of the writ petitioner one Sri Velmurugan.T was working as BT Assistant under the second respondent. While so, he died while in service on 05.02.2021. After his death, since divorce proceedings were pending as on the date of his death, the mother has filed this writ petition to disburse all the terminal benefits only to her.

2. Heard the learned counsel for the petitioner and the learned counsel



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for the respondents.

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3. After hearing the learned counsel for the petitioner and the learned counsel for the respondents, it is very clear that as on 05.02.2021, there was no divorce between the deceased Sri Velmurugan. T and the 4th respondent. The 4th respondent was a legally wedded wife of the said Sri Velmurugan.T.

4. In that view of the matter, the petitioner being the mother, the 4th respondent being the wife and it is also said that there is a one daughter by name S.Madhumitha who are the legal heirs.

5. As far as the disbursement of the terminal benefits are concerned, the official respondents herein would be bound by the statutory rules framed in this regard.

6. Firstly, the amount of gratuity is payable. As per Rule 48 of the Tamil Nadu Pension Rules, the gratuity is to be released in favour of one or more persons of the family members who are nominated by the deceased employee. The deceased employee has nominated the petitioner being the mother and as such she will be entitled to receive the said sum.



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7. As far as provident fund also, as per proviso to Rule 7 under the Tamil Nadu General Provident Fund Rules, it has to be released in favour of the family members in whose favour the nomination is made. The deceased employee has also made a nomination in favour of the petitioner being the mother to receive the amount.

8. As far as the family pension is concerned, as per Rule 49, it is only the wife namely the 4th respondent who will be entitled for the family pension.

9. The respondents shall accordingly proceed ahead and disburse the respective amounts to the petitioner or to the fourth respondent, as the case may be.

10. If the petitioner, the 4th respondent and the daughter have dispute *inter se* among them. It is for them to approach the Civil Court and to recover the amount due from each other if they are entitled to as Clause – 1 legal heirs are concerned. With regard to family pension, the 4th respondent alone will be entitled.



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08.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No

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